CIVIL SOCIETY, STATE AND DEMOCRACY

Marianne Irene Camerer

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Study Leader: Dr. W.L. van der Merwe

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DECLARATION

I the undersigned hereby declare that the work contained in this thesis/study project is my own original work and has not previously in its entirety or in part been submitted at any university for a degree.

Date: 15th August

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ABSTRACT

Recently, the claim that a vibrant, independent and autonomous civil society is vital for sustaining a democratic dispensation in South Africa, has been put forward. This claim has lead to a lively debate amongst political theorists and activists alike.

As a concerned democrat and student of Philosophy, I set out to critically and creatively examine the above claim. The result was this thesis - an attempt to come to an understanding of the concept "civil society", its relationship to the state and most importantly, from a South African perspective, its relationship to democracy.

This is, admittedly, a vast topic. However, the numerous questions which immediately arise, act as signposts in how to proceed forward into this conceptual jungle. These questions include the following: What is understood by the concept "civil society?" How has its meaning changed over time? What is the relationship between civil society and the state? What is the connection between civil society and democracy? Why has this concept emerged in recent political theory? What themes dominate the civil society debate in South Africa? Is there such a concept as a *civil* "civil society?" and most importantly, how can, and what sort of civil society serves to promote and sustain a democratic dispensation?

To begin with, Chapter One examines the different ways in which the concept "civil society" has been understood by major thinkers from Aristotle to Gramsci. The importance of examining classical and theoretical debates and conceptualisations of civil society lies in establishing how these inform contemporary civil society agents' understanding. By providing some indication on what "civil society" and by extension, its relationship to the state, has meant for earlier generations, an attempt is made to unravel the "conceptual undergrowth" which clouds the South African debate on civil society.

Moving from the past to contemporary thinkers, Chapter Two has as its focus, the way in which civil society, its relationship to the state and to democracy, is understood by certain contemporary democratic theorists. Keane and Held's idea of "double-democratization" which concerns itself with the appropriate institutional arrangements for civil society and the state in a democratic dispensation, is taken seriously. Firstly however, the essential characteristics of civil society are isolated with the following purpose: to establish an evaluative

framework against which to judge the South African debate on civil society, focus of the next chapter.

Having accomplished the necessary, general theoretical background, Chapter Three addresses the local debate on civil society, its relationship to the state and democracy. By asking specific questions of representative texts in the South African debate, the work of three South African theorists (namely Friedman, Swilling and Nzimande - representing a Liberal, Democratic-Socialist and Marxist view respectively) highlights the ideological differences and complexities of positions in the local debate. Interactive, as well as general criticisms conclude this chapter.

Bearing in mind the current South African situation dominated by violence, the final chapter of this thesis pleads for the notion of a *civil* "civil society". The importance of political practice and the way in which it impinges on political reality is stressed by looking at various texts which highlight the connection between "civil society" and "civility".

ABSTRACT

Onlangs is daar die bewering gemaak dat 'n lewendige, onafhanklike en outonome burgerlike gemeenskap noodsaaklik is vir die handhawing van 'n demokratiese bedeling in Suid-Afrika. Die bewering het tot 'n vurige debat onder politieke teoretici sowel as aktiviste gely.

As 'n besorgte demokraat en 'n student in die Filosofie het ek onderneem om hierdie bewering op 'n kritiese en kreatiewe wyse te ondersoek. Hierdie tesis is die uiteindelike resultaat van daardie onderneming - 'n poging om tot 'n begrip van die konsep "burgelike gemeenskap" te kom en die verhouding daarvan tot die staat en - nog meer belangrik vanuit 'n Suid-Afrikaanse oogpunt - die demokrasie te verstaan.

Sonder twyfel 'n baie wye onderwerp! En tog, die menige vrae wat onmiddellik na vore kom, dien as bakens wat die pad vorentoe aandui deur die konseptuele wildernis. Hierdie vrae sluit die volgende in: Wat word met die begrip "burgerlike gemeenskap" bedoel? Hoe het die betekenis daarvan met verloop van tyd verander? Wat is die verhouding tussen burgerlike gemeenskap en die staat? Wat is die verhouding tussen burgerlike gemeenskap en demokrasie? Waarom het die begrip in hedendaagse politieke teorie weer na vore gekom? Wat is die hoof temas in die debat oor burgelike gemeenskap in Suid-Afrika? Bestaan daar iets soos "burgerlike" burgelike gemeenskap? Hoe kan, en watter soort van burgerlike gemeenskap sal 'n demokratiese bedeling bevorder en bestendig?

As beginpunt word in hoofstuk een die verskillende wyses waarop die begrip "burgerlike gemeenskap" verstaan is deur belangrike denkers sedert Aristoteles tot en met Gramsci ondersoek. Deur die betekenis van die begrip vir vroeëre generasies - en daardeur ook die verhouding daarvan tot die staat - te ondersoek, word daar probeer om die konseptuele onderbou wat in die Suid-Afrikaanse debat aangaande burgerlike gemeenskap verdoesel word, in oënskou te neem.

In die tweede hoofstuk word op hedendaagse denkers gefokus. Die fokus van hierdie hoofstuk is die manier waarop "burgerlike gemeenskap" en die verhouding daarvan tot die staat en die demokrasie verstaan word deur demokrasie-teoretici. Keane en Held se sienings van "dubbele demokratisering" wat handel oor die institutionele reëling van die burgerlike gemeenskap word ernstig opgeneem. Tog word die noodsaaklike eienskappe van burgerlike

gemeenskap eerstens uitgesonder met die doel om 'n konseptuele raamwerk daar te stel waarteen die Suid-Afrikaanse debat aangaande burgerlike gemeenskap beoordeel kan word.

Nadat die noodsaaklike, algemene teoretiese agtergrond bespreek is, word die plaaslike debat oor burgerlike gemeenskap en die verhouding daarvan tot die staat en die demokrasie dan in die derde hoofstuk ondersoek. Deur spesifieke vrae te oorweeg aan die hand van verteenwoordigende tekste van drie teoretici (nl. Friedman, Swilling en Nzimande - wat onderskeidelik liberale, demokraties-sosialisties en Marxistiese sienings verteenwoordig) word die ideologiese verskille en die problematiek van die drie belangrikste posisies in die Suid-Afrikaanse debat ontbloot. Die hoofstuk sluit af met 'n kritiese beoordeling waarin die drie standpunte krities op mekaar betrek word, asook algemene kritiek uitgespreek word.

In die lig daarvan dat Suid-Afrika tans deur geweld oorheers word, bepleit die laaste hoofstuk 'n beskouing van 'n "beskaafde" burgelike gemeenskap. Dit word ondersteun deur te wys op die belang van politieke praktyk en die wyse waarop dit bepalend is vir die politieke werklikheid. Om dit te beklemtoon word daar gekyk na verskeie tekste wat fokus op die verband tussen "burgerlike gemeenskap" en beskaafdheid.

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Jean Jacques Rousseau, in 1782, wrote the following of the region in Switzerland where I spent the last few months completing my thesis:

"I have lingered in many a lovely place, but nowhere else have I felt so truly happy as on the isle of St Peter in the middle of the lake of Biel, and on no other sojourn do I look back with such sweet sorrow."

I can relate to his sentiments, and would like to thank Stephane for providing all the moral support one could hope for from a non-academic.

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CHAPTER 1

"CIVIL SOCIETY" - THE HISTORY OF A CONCEPT

In this introductory chapter, the way in which the concept of "civil society" has been understood by various thinkers over the course of history, will be examined. To do justice to the complex task of tracing the historical conceptual nature of "civil society" requires far more than a chapter in a Masters thesis and for this reason, what the function of this chapter serves in the broader context of this thesis, is made explicit.

In order to justify the scope of this chapter's research, two questions need to be asked: 1) What is the importance, in general, of examining historical conceptions of the nature of "civil society"? 2) What is the significance of this research for the specific purposes of this thesis?

"Civil society" has always been inextricably bound up with the concept of the "state". Indeed it is widely accepted that the power of the state often varies inversely with that of civil society; that an enlargement of the role of the state may occur at the expense of civil society and the enhancement of civil society usually requires a rolling back of at least some of the functions and powers of the state. Thus Atkinson (1992:1) rightly claims that the fortunes of the two concepts must be examined in conjunction with one another.

The importance of examining the history of a concept such as "civil society" and by extension the "state", is two-fold. Firstly, the question of the relationship between "civil society" and the state has been central to the development of modern social and political theory. Since this thesis concerns itself with aspects of this development, especially in relation to the recent focus in political theory on "civil society" and the process of democratization, it warrants attention.

Secondly, although generalisations about "civil society" are unavoidable, however preliminary and tentative these are they can nevertheless be considered important, for these generalisations help specify "civil society's" significance for historical research, as well as contemporary political thinking oriented to current political controversies and social struggles (Keane 1988b:37).

The relationship between "civil society" and the state has featured significantly in recent reflections on the nature of contemporary South African political and social relations. This reflection has not been unconcerned with the articulation of political strategy and visions of possible new dispensations (Atkinson 1992:v).

With regard to this thesis, the specific function this chapter aims to fulfill is two-fold: Firstly, by comprehensively examining the concept of "civil society" as it comes to the fore in texts of significant theorists, this chapter aims to give a philosophical grounding to this thesis. Secondly, historical conceptual research of this nature is necessary in order to understand the various traditions of thought, for example Liberal, Socialist and Marxist, which underpin participants' in the South African debate's thoughts on the concept of "civil society". In Atkinson's terms, an awareness in the South African debate that the recent emphasis on "civil society" is a product of several distinct traditions of political thought, can go some way to clearing away "the conceptual undergrowth" which clouds the local debate (1992:ix). It follows that one is better equipped to understand the dynamics of the South African debate, having researched the origin, nature and development of the concept "civil society".

Riedel's (1984) distinction between a traditional and early modern conception of the term "civil society", justifies the initial division of Chapter One into two broad sections. The traditional conception, inherited from Aristotle forms the focus of the first section. Here “civil society” is equal to the state i.e. the unity of society and state, civil and political society, is implied. The second, early modern conception where “civil society” is separate from the state, discusses the theoretical differentiation of these two spheres, state and society, which for a variety of reasons came about in the late 17th, early 18th Century.

The theoretical separation of the two spheres "civil society" and state is said to have heralded the development of Liberalism. This doctrine, as well as criticisms relating to it's conception of "civil society" are discussed. A separate section focusing on the moral-purposive view of the state, which emerged to address inadequacies in the liberal approach and provides the background to Marxian theories of "civil society", follows.

The concluding section of this chapter focuses on the common dilemma of how to balance the power of the state with the autonomy of civil society. In this regard, Held's (1987) critical evaluation of the two strands he identifies in democratic

theory - namely the American and French (balancing individual interests with the common good respectively), is taken seriously.

1.1 TRADITIONAL CONCEPTIONS: "CIVIL SOCIETY" = STATE

Almost incomprehensible today, is the notion of "civil society" being identified as synonymous with the "state". However, until the late Seventeenth century, no formal distinction existed between these two spheres: "Civil society" (*koinonia politike, societas civilis, societe civile, burgerliche gesellschaft, societa civile*) and the "state" (*polis, civitas, etat, Staat, stato*) were interchangeable terms (Keane 1988b:35). Traceable from modern natural law back through to Cicero's idea of *societas civilis*, the term "civil society" stems from classical political philosophy - above all to Aristotle.

1.1.1 ARISTOTLE

The first version of the concept "civil society" appears in Aristotle's **Politics** (1252a:6-7) under the heading of *politike koinonia;* defined as "a public ethical-political community of free and equal citizens under a legally defined system of rule"(Cohen and Arato 1992:84).

In ancient Athens, citizens were at one and the same time subjects of state authority and creators of public rules and regulations. The Athenian concept of "citizenship" entailed participating directly in the affairs of the state. To be a member of "civil society" was to be a citizen,a member of the state, obliged to act in accordance with its laws, without engaging in acts harmful to other citizens (Held 1987:216).

This Aristotelian notion of "civil society" did not allow for the modern distinction between state and society - a nuance Taylor (1990:106) notes, which would have been "incomprehensible to a Greek or Roman". The "public" and the "private" were intertwined to the extent that humans were only able to properly fulfill themselves and live honorably as citizens, in and through the *polis*.

Followed by theories in the Natural Law/ Social Contract tradition, (represented here by Hobbes, Locke and Rousseau) the relationship between "civil society" and "state" remains synonymous, with certain differences. Whilst *societas civilis* of the Aristotelian model is still a natural society in the sense that it corresponds perfectly to humankind's social nature, the same *societas civilis* in the models of Hobbes and Locke (in so far as it is the antithesis of the "state of nature" and is

constituted by individuals who decide, via a social contract to subject themselves to a higher authority) is an instituted or artificial society (Riedel 1984:139).

The distinction made by natural law theorists between "civil society/state" and a pre-state condition considers "civil society/state" as the radical negation of the "state of nature". This hypothetical pre-state condition was highly unstable, anti-social and characterised by perpetual war. Through a process of contractual agreement amongst its fearful inhabitants, the "state" receives its legitimacy to overthrow this natural condition of war. The resulting "civil society" is seen as equivalent to the "state" and its laws. Hence the traditional identification of the "state" as "civil society" occurs, with a "civil union" ending the "state of nature" in the submission of citizens to the "state/civil society" (Keane 1988a:35).

"Civil society", in the natural law tradition therefore assumes the exclusive meaning of "state" - an entity instituted by individuals on top of natural relations. It is a voluntary association in defence of pre-eminent interests such as the defence of "life, property and liberty." The following pages examine Hobbes and Locke's understanding of "civil society" and its relationship to the state, in more detail.[1]

1.1.2 HOBBES

Reflection on this new found freedom of human beings in "civil society" (i.e. the normative idea of free and equal citizens comprising the body politic), inspired the creation of what has been termed the most forceful work of English political philosophy - Hobbes' **Leviathan** (1651).

Leviathan, paints a vivid picture of the "state of nature".[2] Here people, are profoundly self-interested, intrinsically in competition with one another and moved by desires and aversions which generate a state of perpetual restlessness. A deep-rooted psychological egoism limits the possibilities for human cooperation, with conflicts of interest inevitable and a fact of nature. The struggle for power, for no reason other than self-preservation and self-interest, defines the human condition (Held 1987:15).

By transferring individual power and rights to a more powerful sovereign body which can force them to keep to their promises and covenants, peace is achieved and civil war avoided. Only then can an effective and legitimate public and private sphere, state and society, be formed. The peaceful order enforced by

the security state is called "civil society" and is considered the radical negation of a natural condition of violent competition amongst contentious, acquisitive individuals.

In Hobbes' model, the role of the "state/civil society" is seen as that of conflict-management, serving as an authority to adjust the diverse interests arising out of society. Thus the "state", as regulator and protector, sets up certain rules of social interaction and provides security against external threats (Atkinson 1992:3).

Through a theory of human nature, sovereign authority and political obligation, Hobbes sought to prove that the "state/civil society" must be regarded ultimately as both absolute and legitimate, in order that the worst of evils, civil war, might be permanently averted. He believed that society, in order to exist at all, must be held together by a sovereign power, an indivisible power, not limited by any other. The social contract agreed upon, is a once-for-all affair, creating an authority able to determine the very nature and limits of the law. There can be no conditions placed on such an authority because to do so would undermine its very *raison d'etre*.

According to Hobbes it is justifiable that the state be regarded as pre-eminent in political and social life, for while individuals exist prior to the formation of civilized society and to the state itself, it is the latter that provides the conditions of existence of the former. The state alters a miserable situation for human beings by changing the conditions under which they pursue their interests. The state constitutes society through the powers of command of the sovereign (set down in the legal system) and through the capacity of the sovereign to enforce the law (established by the fear of coercive power) (Held 1987:17-18).

The Hobbesian equation that states provide security in exchange for their subjects obedience, does not however invite critique from citizens dissatisfied with the sovereign power (Keane 1988a:36-39). Whilst the fundamental purpose of sovereignty is to ensure "the safety of the people" and the preservation of all things held in property, Hobbes' notion of sovereignty - that a society in order to exist at all must be held together by a sovereign power, a power which is indivisible and not limited by any other - has the potential to become dangerous (Taylor 1990:103).

While recognizing that government created by the transferral of individual wills has to be central and powerful in order to provide the preconditions for social coherence, civil society and the prevention of anarchy, the security state defended in **Leviathan** restricts limits on state action to virtual insignificance. This tendency to absolutism in Hobbes' security state, because of the absence of checks on its power, is a legitimate ground for criticism.

With Hobbes, the justification of state power received its fullest expression and became a central theme in European political thought. However, the rise of powerful states produced claims for a measure of social autonomy against such overweening centres of power (Atkinson 1992:2). The anti-absolutist doctrines following Hobbes indicate this very real concern with the state assuming absolute powers.

In the following paragraphs, the way in which Locke criticises and moves beyond Hobbes' theory of "civil society" is examined. It will be shown that in Locke lie the roots of liberal reflection on "civil society", as well as the seeds for the distinction between "civil society" and the "state", eventually drawn at the turn of the century and finding its most celebrated statement in Hegel's **Philosophy of Right** (Taylor 1990:106).

1.1.3 LOCKE

According to Locke (1672-1704), society exists before government and issues from a first contract which takes individuals out of a "state of nature". Locke's proposition in his major work, **Two Treatises of Government** (1690) asserts that individuals are originally in a "state of nature", which is a state of liberty, but not of license, for adherence to the law of nature ensures that the "state of nature" is not a state of war.

The remedy for the inconveniences of the "state of nature", is an agreement or contract to create an independent society. It is only because people want to escape from chronic uncertainty and insecurity initially, that they agree to political authority in the form of the sovereign. Followed by a second contract, this newly formed body sets up a government i.e. a political society or government which may be defined as supreme. However, should it violate its trust (and this is where Locke avoids the pitfalls of Hobbes' theory) society recovers its freedom of action.

The distinction between the two treaties is important. It is made clear that authority is bestowed by individuals on government for the purpose of pursuing the ends of the governed, and should these ends fail to be adequately represented, the final judges are the people i.e. the citizens of state who can dispense both with their duties, and if need be, with the existing form of government itself (Held 1987:20). Therefore, while the institute of government can and should be conceived as an instrument for the defence of the "life, liberty and estate of its citizens", supreme power still belongs with the people.

For Locke, the "state" or sovereign power is only an instrument for the defence of the "life, liberty and estate" of its citizens.[3] Political activity is instrumental and secures the framework of conditions for freedom so that the private ends of individuals in "civil society" might be met. Hence the role of the state is that of the regulator and protector of society: individuals are best able by their efforts to satisfy their needs and develop their capacities in a free process of exchange with others (Held 1987:21). Free to pursue their own privately initiated interests - which are mostly economic, Locke added to the development of a picture of civil society as an "economy" - a whole of interrelated acts of production, exchange, and consumption that has its own internal dynamic and autonomous laws (Taylor 1990:107).

For Locke and in a sense Hobbes, the entire enterprise of "civil society" derived from the need to protect property which existed even as a social institution, in a state of nature. For Locke, "civility" meant a stable market economy with the freedom necessary to make such a society possible. The economy was an important mode for limiting the arbitrary power of the state, creating institutional protection for the individual, i.e. a wall of safety behind which he could develop his liberty.

The limits of the instrumentalist state are ambiguously drawn. Based on the claim that the state exists to satisfy the needs and wishes of the citizen, this provides enormous temptation on the part of the enthusiastic and well-meaning government to encroach on the liberty of individuals. In criticising Hobbes' indivisible sovereign state in this regard, Locke sets about laying the foundations of liberalism.

Firstly, Locke raises a fundamental objection to the Hobbesian argument that individuals only find a "peaceful and commodious" life with one another if governed by the dictates of an indivisible sovereign. Seeing as it is hardly

credible that people who do not fully trust each other, would place their trust in an all-powerful ruler to look after their interests, Locke questions this claim.

Locke believed that in order for the government of the modern state to discharge its essential functions while respecting the liberties and wishes of the citizen body, the integrity and ultimate ends of society would require a constitutional state in which public power was legally circumscribed and divided. Whilst accepting that the state should have supreme jurisdiction over its territory, in his **Two Treatises on Government** he criticised the notion of the indivisibility of sovereign power by raising the question: What obstacles are there to the potential "violence and oppression of this Absolute Ruler?" According to Hobbes' theory, none. Therefore Locke rejects the notion of a great Leviathan, an uncontested unity preeminent in all social spheres establishing and enforcing law according to the sovereign's will. Pushing his anti-absolutist doctrine, he provided one of the most influential statements of the point of view that government is likely to be arbitrary and despotic unless held in check.[4]

Hence Liberalism is understood as the attempt to define a private sphere independent of the state i.e. the freeing of civil society - personal, family and business life - from political interference, and the simultaneous delimitation of the state's authority (Held 1987:14). It could be argued that in retaining the identity of political and civil society and distinguishing both from the state, Locke laid the foundations for European liberalism, a central tenet of which is that the state exists to safeguard the rights and liberties of citizens who are ultimately the best judges of their own interests; and that accordingly the state must be restricted in scope and constrained in practice in order to ensure the maximum possible freedom to every citizen.

Locke's views have had an enduring impact on Western thought, affirming the following: that supreme power is the inalienable right of the people; that governmental supremacy is a delegated supremacy held on trust; that government enjoys full political authority as long as this trust is sustained; and that government's legitimacy or right can be withdrawn if the people judge this necessary and appropriate, that is if the rights of individuals and ends of society are systematically flouted (Held 1987:214).

Using the term "civil society" in its traditional sense as synonymous with political society, Locke prepared the ground for the new, contrasting sense a century later (Taylor 1990:104-5). Since the traditional and early modern conceptions of

"civil society" and its relationship with the "state" are believed by Riedel to be bridged by Ferguson's **Essay on the History of Civil Society**, these views deserve brief attention.

1.1.4 FERGUSON

In his **Essay on the History of Civil Society**, Ferguson recognized that the public spirit typical of small states such as classical Greece, cannot be re-created in the large-scale, complex civil societies of modern times (or at least not without sacrificing the achieved benefits of regular constitutional government, commerce and manufacturing). Hence the dilemma: modern civil society requires for its survival a sovereign, centralized constitutional state, however, together with commerce and manufacturing, this serves to break "the bands of society", threatening civil liberties and the capacity for independent association, in this way undermining a *sine qua non* of life in civil society.

Ferguson resolves the above dilemma by suggesting the creation and strengthening of citizens associations. He comes close to saying that the survival and progress of modern civil society requires the development of independent social association i.e. the development of a civil society within a civil society (Keane 1988b:43). This path-breaking suggestion that the independent "societies" of a civil society can legitimately defend themselves, is consolidated during a second phase of development in which the novel distinction between civil society and the state becomes contemptuous of the status quo and impregnated by utopian hopes for a future marked by social equality, civil liberties and limited constitutional government (Keane 1988b:38).

Therefore, during the second half of the eighteenth century the traditional concept of "civil society" sketched above began to implode. While the term "civil society" certainly remained a key word of European political thought throughout the period 1750-1850, by the middle of this period, "civil society" and the "state", traditionally linked by the relational concept of *societas civilis*, were seen as different entities.

The following section explores reasons for and the theoretical justification of the separation of the concepts "civil society" and "state". These reasons are directly related to the emergence of a liberal conception of "civil society" which receives both attention and criticism. Following this, the emergence of the notion of a

moral-purposive state, in order to remedy the ills of the liberal "civil society - state" distinction is discussed, with specific reference to Rousseau and Hegel.

1.2 MODERN CONCEPTIONS: "CIVIL SOCIETY" SEPARATE FROM THE STATE

Viewed retrospectively, the transformation process of the term "civil society" (between 1750-1850) from being identified as synonymous with the "state", to separate from it, is characterized by a deeply confused quality. Keane (1988b:37) notes how geographic, semantic and temporal complexities make it difficult to pinpoint the exact point of separation between the two concepts.

In the early years of the transition period, the traditional, increasingly moribund meaning of the concept reaches breaking point and becomes impregnated with its future meaning, coexisting and overlapping with the new, incompatible distinction between the "state" and "civil society". In turn, this new meaning of "civil society" becomes subject to pluralization through interpretation and disputation amongst theorists.

There are, I believe, two main reasons which explain the theoretical separation which came about between the previously synonymous spheres of "civil society" and the "state". These have to do with: 1) reaction to the rise of absolutist states and 2) the emergence of free economic activity and the market. In addressing each reason briefly, the fact that the clear distinction arising between "civil society" and the "state" is essentially a liberal one is remembered. Hence the following pages concern themselves with the emergence of a liberal understanding of "civil society."

1.2.1 REACTION TO ABSOLUTISM

With regard to the state's authoritarian potential, the previous section noted criticism levelled by Locke (the first liberal theorist) at the Hobbesian sovereign state and its absolutist tendencies. In order to avoid this tendency to absolutism, liberal doctrines concern themselves with institutional safeguards to restrict state power.

In the struggle against the arcane (geheim(sinnig)) power of the absolutist state, liberalism develops a deeply negative distrust of political power. The voluntary, self-organizing interest groups which are defined as part of "civil society" are believed to act as a bulwark, preventing state power from infringing into private

life. If power is spread over a range of different organizations and associations within society, the power of the state is at once limited and held accountable, i.e. the liberal schema assumes that free competition among freely speaking and propertied citizens within "civil society" neutralizes state power and renders it almost superfluous.

Liberalism therefore draws a strict line between "civil society" and the "state" and is concerned with measures that place severe limits on the state in order to prevent despotism or authoritarianism. The most important of these measures is the notion of individual rights, especially those of property ownership and freedom of speech. These rights can be seen as safeguards to determine the limits of government interference into people's lives.

Hence, according to this liberal perspective, "civil society" is seen as the sphere of individual rights and liberties, with all people equal in the sense that they all possess equal rights. With an instrumental state to take care of basic security needs, individuals are free to pursue their material and other interests. This is an individualistic and atomistic view of society where individuals are esconsed in a sphere of privacy, with the onus upon the government to justify all intrusions or interventions into this sphere.

To the extent that state and governmental power serves the specific purpose of enhancing individuals freedom within civil society, it is justified. So as to avoid a concentration of power, this power is subdivided into legislative, executive and judicial branches. Every transgression by political rulers of their properly limited perogatives, is denounced by liberals as tyranny, as *eo ipso* evil and unjust (Keane 1988a:154). "Civil society" in its early modern form therefore holds onto the liberal tenet of anti-statism, with every infringement by the state requiring justification.

Therefore, in reaction to the absolutist states of earlier times, the liberal perspective which emerged stressed the limited powers of the state and its separateness from society. "Civil society" came to refer to the private lives, individual rights and economic activity of individuals independent and separate from the state. The rise of this instrumental perspective of the state coincided with the hey-day of capitalism, *laissez-faire* and individualism.

1.2.2 FREE ECONOMIC ACTIVITY

Around 1820, the inapplicability of traditional classical concepts rooted in the realm of ancient politics to the social constellation of the revolutionary era i.e. the radical disparity between the conceptual structure of the modern economic system and society and that of Greek *polis* life, became the springboard for the growth of the concept of a "civil society" distinct from the "state".

With the industrial revolution of the seventeenth and eighteenth centuries, a new, mobile, restless, aggressive, competitive and individualistic economic system began to emerge. This new form of economic activity became known as "civil society", the sphere where private individuals, free from the detailed regulation and constraint by government were free to pursue their own interests forming associations and making contracts as they chose. "Civil society" here is identified with the economy and encompasses a realm where private property, market relations, labour and class divisions are located.

The conception of "civil society" as a community of self-sufficient individuals propelled by their particular physical needs and interests, emerged as one of the dominant ideas in Western social thought with the domain of "civil society" signifying the mutual satisfaction of the needs of all through contractually mediated exchange of the products of labour. "Civil society" referred to the well-known domain of the market economy and civil law (Chatterjee 1990:127).

According to this model of "civil society", the state was to have the role of umpire or referee while individuals pursued, according to the rules of economic competition and free exchange, their own interests. The key presupposition was that the collective good could only be properly realised in many domains of life if individuals interacted in competitive exchanges, pursuing their utility with minimal state interference.

On the other hand however, there was a strong commitment to certain types of state intervention. Whenever *laissez-faire* was inadequate to ensure the best possible outcome, state intervention was justified to reorder social relations and institutions (Held 1987:25). Therefore Keane (1988b:34) notes that early liberal political philosophy concerned itself not only with the growth of modern capitalism but was also preoccupied with the fundamental problem of reconciling the freedom of different individuals, groups and classes with political order and coercion.

Consequently, while seeking to justify the centralized state as necessary, early liberal thinkers attempted at the same time to justify limits upon its potentially coercive powers, the idea being that one must justify the power as well as the limits. On the one hand, the state must have a monopoly of coercive power in order to provide a secure basis upon which trade, commerce and family life can prosper, but on the other hand, by granting the state a regulatory and coercive capability, liberal political theorists were aware that they had accepted a force which could (and frequently did) deprive citizens of social and political freedoms (Held 1987:47-48).

The point of transition from the traditional understanding of "civil society" to its modern sense is thus characterized by the attempt to simultaneously justify a specifically modern form of "civil society" - a sovereign, centralized constitutional state standing over its subjects - and to emphasize the strategic importance of guarding against its authoritarian potential (Keane 1988b:37).

The conclusion of this chapter considers the above difficulties in more detail. However, for the moment, several criticisms levelled at the liberal concept of "civil society" are addressed.

1.2.3 CRITIQUE OF LIBERAL "CIVIL SOCIETY"

The liberal notion of an individualistic, market oriented "civil society" which supports limited and minimal interference of the state into the private sphere of individual transactions has been considered deficient in the following ways:

Firstly, whilst providing the framework for individual liberty and formal equality, the liberal version of "civil society" is considered weak on providing real material equality or fraternity. The concept of "civil society" flowing from traditional rights theory tends to blur the very real differentials in power, opportunities and material resources available in society. By lumping all citizens together in the inclusive concept of "civil society", regardless of their actual social condition, important lines in society are obscured (Atkinson 1992:13).

Secondly, the liberal claim that there can be a clear separation between civil society and the state is flawed, the main reason being that the state is not as impartial as it claims to be (Held 1987:177) . Rather the state is inescapably locked into the maintenance and reproduction of the inequalities of everyday life, casting the whole basis of its claim to no distinct allegiance in doubt. This point is

substantiated by Foucault's work which challenges the liberal model of the "state/civil society" duality by showing that it is pervaded by the same kind of power relations as the modern state and the capitalist economy.

By demonstrating the pervasiveness of power relations in all institutional domains of modern society, from the asylum to the most intimate of relations, sexuality, Foucault effectively challenges liberal ideology which supposes that power is located in the state, limited by law, right and publicity, and by the existence of a private sphere sealed off from state intervention and composed of free, autonomous individuals. Foucault deprives this ideology of its core premise: an autonomous, power-free, self-regulating, civil society (Cohen and Arato 1992:489).

By questioning the trust in a free, independent civil society, the anti-statist impulse of the distinction between "civil society" and the state is weakened While individuals are supposedly equal (all possessing equal rights) some are seen to be more equal than others due to the power structures prevalent in society which tend to favour certain groups.

In order to correct failings in the liberal model of individualistic civil society coupled with an instrumental state, a further stage of theoretical development appears. In the following pages, the moral-purposive state and its corresponding notion of "civil society", is addressed by examining two major proponents, Rousseau and Hegel. Criticisms of notion of "civil-society/state" relations are briefly touched on before moving to the important section concerning Marxist thought on the subject.

1.3 ROUSSEAU, HEGEL AND THE MORAL-PURPOSIVE STATE

Continental in its origin, this view of the state is reflected in the works of its main proponents: Rousseau (**The Social Contract**, 1762) and the German idealist Hegel (**The Philosophy of Right**, 1821). Firstly a theme which resonates through both works is discussed, namely the notion that an individual's identity only makes sense if it is part of a broader collective consciousness (Keane 1988a:6).

In contrast to instrumentalists who maintain that the state exists to serve private interests and the welfare of individuals, advocates of the moral-purposive state believe the state's moral imperatives are as important as those of private

individuals (Atkinson 1992:8). They argue that our very identity as social beings and citizens depends on the recognition granted each individual by his or her fellow citizens and the state.

In this sense the state embodies a moral purpose in its own right which includes certain moral values such as justice, freedom and universality. Hence "the law of the state", i.e. its fundamental rules defining acceptable and unacceptable conduct in a multiplicity of pursuits and relations, becomes the moral law itself.

Whilst recognizing the independence of civil society from the state, both Hegel and Rousseau argued that "civil society" as currently understood, did not comprise all social relations, nor provide a basis for social harmony, social stability or the fulfillment of the higher moral nature of human beings. Rather, the relationships that individuals contract in civil society as individual property owners, have to be supplemented and transcended by their relationships in political society i.e. the life of the private bourgeois, the owner of commodities, only acquires meaning and purpose when the individual recognizes himself as a citizen (of the state) and accepts the claims of citizenship (Gamble 1980:56).

The different ways in which both Rousseau and Hegel's theories seek to define "civil society - state relations" so as to "provide a basis for social harmony, social stability or the fulfillment of the higher moral nature of human beings" deserve attention.

1.3.1 ROUSSEAU

In his **Discourse on the Origin and Grounds of Equality among men** (1754) Rousseau starts off by describing the "state of nature" as the condition of natural man who does not yet live in society, since bountiful nature, a condition he is happy in, provides him with the satisfaction of his essential needs. Next he goes on to describe the state of corruption into which natural man falls, following the institution of private property that stimulates egoistic instincts and is the root of all social conflict. The state of corruption Rousseau calls *societe civile*, where the adjective "civil" clearly means "civilized", even though with a negative connotation that distinguishes his position on "civility" from the major writers of his time.

For the majority of writers discussed so far, "civil society" has primarily had the meaning of political society, but the meaning of "civilized society" is not

excluded. So in Rousseau, the prevalent meaning of "civil society" as civilized society does not exclude that this society might be a political society in embryo - a form of political society which man must leave in order to establish a republic based on the social contract.

Rousseau therefore invokes the pre-political the idea of a social contract of society as constituted by will. Popular (General) will is perceived as the ultimate justification for all political structures and authority. The idea of the "general will" fuses the idea of a people's will independent of all structures with the ethic of ancient republicanism and draws its power from both.

While recognizing the importance of liberty as a natural property of individuals, Rousseau believed individuals are intrinsically social and can only be genuinely free or actualized if they identify with the collective (Atkinson 1992:14). He therefore argues for the simultaneous importance of individual liberty and social relationships: "Whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence" (**The Social Contract**: 1762).

In contrast to rights theorists who realized that proper institutions with clearly defined procedures and limits can provide a measure of protection for the individual against "the general will" (Atkinson 1992:17), Rousseau's limited appreciation for the institutionalization of democratic politics, whereby no formal criteria were developed to determine whether institutions truly represented "the general will" or not, makes his theory vulnerable to criticism.

The notion of the "general will" is seen to become potentially dangerous when it fails to accommodate individual diversity. As Taylor (1990:111-113) notes, some of the most thoroughgoing destruction of civil society has been carried out in the name of some of the variants and successors of this idea in the Twentieth century, notably "The Nation" and "The Proletariat."

In response to the absence of intermediary institutions between individual and state, and the subsequent possibility of terror precisely in the name of "the people" (the main danger of natural right theory embodied in Jacobinism, especially the Rousseauian model), Hegel's theory of "civil society" emerged. This will be elaborated on in the next few pages.

1.3.2 HEGEL

Although the phrase "civil society" (burgerliche Gesellschaft) owed its popularity in Hegel's Germany to a translation of Adam Ferguson's **Essay on the History of Civil Society**, the meaning of this phrase in Hegel's work has more to do with the Rousseauean distinction between *bourgeois* and *citoyen*. The difference between Hegel's concepts and those of the eighteenth century become clear if one pays attention to the distinction in natural law theory between man as man and man as citizen, codified in the human and civil rights of the North American and French Revolutions.

From the perspective of natural law theory, as man, he is a member of the *societas generis humani*, species being and individuality at the same time, subordinated to the laws of ethics unrestricted in their universality. But as citizen, he belongs to "civil society", to the state and its laws, obeying the demanding rules of politics. By contrast, in "civil society", according to the **Philosophy of Right** (1821), the man qua man of natural law is the representative of the species melted down into its natural indigence. As a mere (i.e. natural) man he is a being with needs, and as a being with needs he is a private person, i.e. citizen as *bourgeois*.

The result is that human being and citizen are no longer opposed as they were in the eighteenth century, but rather in modern civil society the *bourgeois* contains the human being. It is only after Hegel that *citoyen* and *bourgeois* stand side by side, the citizen of the state (a status extended to all subjects) next to the private citizen (Riedel 1984:141, 142).

What Hegel made the times aware of with his phrase "civil society", was nothing less than the result of the modern revolution: the emergence of a depoliticized society through the centralization of politics in the princely or revolutionary state, and the shift of society's focal point towards economics - a change society experienced simultaneously with the Industrial Revolution and which found its expression in "political" or "national" economy. It was initially in this process within European society that society's "political" and "civil" conditions were separated, conditions which up to now in classical politics had been one and the same (Riedel 1984:148).

The specifically modern component of Hegel's concept of "civil society" therefore rests on three major features: 1) Hegel took over from the natural law tradition

and from Kant the universalistic definition of the individual as the bearer of rights and agent of moral conscience 2) He generalized the Enlightenment distinction between "state" and "civil society" in a manner that also involved their interpenetration and 3) He took over from Ferguson and the new discipline of political economy, which placed stress on "civil society" as the locus and carrier of material civilization (Cohen and Arato 1992:92).

The Hegelian category of "civil society" arrived at in the last stages of his thought (**Outlines of the Philosophy of Law**, 1821) defines it as an intermediate moment of ethnicity (communal life) situated between the family and the state (Riedel 1984:145). Positioned between the simple world of the patriarchal house-hold (family) and the universal state, Hegel's "civil society" includes the market economy, social classes, corporations, and institutions concerned with the administration of "welfare" and civil law. He has been criticized for placing there everything which he could not fit into the well-defined categories of the family and the state.

Hegel understood the basic characteristics of "civil society" as being a society of property owners who, notwithstanding their religious, racial, political and other differences were equal before the law, and in accordance with these general laws permitted to pursue their personal interests and idiosyncratic ideas of happiness. Hegel's "civil society" is intrinsically linked with a market economy and is a society of universal human rights in which negative freedom has been institutionalized.

Whilst recognising the liberty of individuals in "civil society" to pursue their own interests, the freedom of "civil society" is seen to be self-paralysing and conflict-producing and therefore in need of stricter state regulation, supervision and control (Keane 1988b:38). According to Hegel, there is no necessary identity or harmony among the various elements of "civil society" and its multiple forms of interaction and collective solidarity are often incommensurable, fragile and subject to serious conflict. The sub-division of "civil society" into classes (*Stande*) is a principal reason why it is divided against itself and therefore gripped by an inner restlessness (Keane 1988b:51).

The above tendency in "civil society" is of great concern to Hegel who believes that "civil society" cannot remain "civil" unless it is politically ordered i.e. subjected to "the higher surveillance of the state". Emphasizing that modern "civil society" is unable of overcoming its own particularity and resolving its inherent

conflicts by itself, Hegel concludes that the dynamic of "civil society" - as a system of mutual interdependence in pursuit of interests - necessitates the creation of institutions which limit the private autonomy of individuals bent on satisfying their selfish interests (Wood 1990:62).

Seeing that only a supreme public authority, a constitutional state managed by the monarchy, civil service, and the Estates, can effectively remedy the injustices in civil society and synthesize its particular interests into a universal political community, a closer understanding of the state in Hegel's theory is called for.

For Hegel, the ideal state is not a radical negation of a natural condition in perpetual war (Hobbes) neither an instrument for conserving and completing natural society (Locke) nor a simple mechanism for administering a naturally given automatically self-governing civil society (Paine). Rather, the state is a new moment which contains, preserves and synthesises the conflicting elements of "civil society" into a higher ethical unity (Keane 1988b:52).

The universal state is believed to be the concrete embodiment of the ethical Idea, of mind (*Geist*) developing from a stage of immediate, undifferentiated unity (the family) through that of explicit difference and particularity (civil society), to the concrete unity and synthesis of the particular. i.e. the ideal state transcends and reconciles the separate wills of individuals. Hegel thus proposes that the freedom of the members of civil society can be guaranteed and synthesized with the state's articulation and defence of the universal interest (Keane 1988b:53).

While Hegel defends the need for "particularity to develop and expand in all directions" within "civil society", he insists at the same time that the universal state has the "right to prove itself as the ground and necessary form of particularity, as well as the power which stands over it as its final purpose" (Keane 1988b:54). The task of the state is therefore to conserve and transcend "civil society". "Civil society" both requires and provides the prerequisites for an institutionally separate sovereign state, which holds together the elements of "civil society" in a self-determined whole. Only by acknowledging and keeping "civil society" in a subordinate position can the state preserve its freedom (Atkinson 1992:34).

To sum up: According to the Hegelian position, civil society as the sphere of individuals' private pursuits is very important, but the state (or social collective) should guide "civil society", which must be shaped in such a way that it

complements the overriding purposes of the whole. Thus in Hegel's view the state cannot swallow up civil society, but it cannot leave civil society unguided either.

This however, constitutes a very broad licence for state regulation and dominance of social life and highlights Hegel's deep trust in state regulation (even though despotism is recognised as a problem of earlier times). The problem is such: If the requirements of the public good set limits upon the autonomy of civil society, and if the state itself is ultimately responsible for determining these requirements, how can its interventions possibly be identified and prevented as illegitimate? Keane (1988b:54). Hegel's failure to deal adequately with this quintessentially modern problem of (democratic) checks and balances on the universal state, weakens, even contradicts, his claims on behalf of an independent civil society which guarantees the "living freedoms" of individuals and groups.

Substantiating the above, Atkinson (1992:7) levels a general criticism at advocates of the "moral purposive" state. She notes that for Anglo-Saxons, such holistic notions of "universality" and the "totality" are ominous. If a state is in any way regarded as the locus of truth and virtue, and such a state has a monopoly on force, the state may well encroach on people's privacy and its application may produce totalitarian results not intended by Hegel or philosophers with similar views.

The Hegelian "moral-purposive state" has influenced modern Marxism significantly, and its attempts to transform capitalist society. Marxists have tended to regard the sphere of private activity (i.e. civil society) in capitalist countries as deeply unjust and exploitative. Civil society for Marxists does not represent liberty, but rather oppression, and hence a total remake of society based on claims of a higher moral rationality, is required.

In the following section the Marxist understanding of "civil society" and its relationship to the state is examined by critically discussing Marx and Gramsci's ideas in this regard. The realignment of "civil society-state" relations advocated by both thinkers, who question the liberal separation of these two realms explored. These ideas are seen to have strongly influenced the South African debate on "civil society".

1.4 REDEFINING BOUNDARIES: MARX AND GRAMSCI

The previous sections served to: 1) articulate and criticise the liberal separation between the concept of "civil society" and the "state" and 2) explore Rousseau and Hegel's notion of a moral-purposive state, in this way addressing problems with the liberal understanding of "civil society".

An alternative approach to the liberal perspective on "civil society/state" relations namely the approach offered by Marxian theory, forms the focus of this next section. Here Marx and Gramsci's views on "civil society" and its relationship to the state, as well as a critique of their respective positions is discussed.

1.4.1 MARX

The duality of state and civil society relations is perceived by Marx to be the hallmark of modernity. It was this liberal distinction between the two realms of state and civil society, which served as the underlying basis for his path-breaking analysis of the capitalist mode of production (Cohen 1982:24).

Because of its tendency to reduce the state to the form of political organization of the bourgeoisie, Marxist theory devalues this distinction between the "state" and "civil society" seen to be an invention of 18th century political theory. Thus from the mid 19th Century onwards, a quite different tactical use of the "state-civil society" distinction occurs with attempts made to instrumentalize it i.e. to develop political strategies for abolishing the division between "civil society", viewed negatively as synonymous with "capitalism" and the state.

The traditional *locus classicus* for the meaning of "civil society" in Marxist theory is Marx's preface to **A critique of Political Economy** (1859). Here he notes that Hegel has "brought together" the "totality" of "material relations of life" according to the "precedent of the eighteenth century English and French, under the name of "civil society" (Riedel 1984:130).

Through studying Hegel, Marx concludes that legal and political institutions have their roots in the material relations of existence. Immediately the Marxian identification of society with the economic interests of the bourgeoisie is emphasized, with Hegel's "civil society" becoming Marx's "bourgeois society" (Bendix 1989:149).

Both Hegel and Marx use the term *burgerliche gesellschaft* to refer to "civil society". However, while Hegel uses the term "civil society" to refer to a part of society ("the system of needs" which includes exclusively material and economic relations), Marx used this narrower Hegelian sense of "civil society" as the determinant of the whole of society. The fundamental emphasis which Marx places on the economic aspect of Hegel's "civil society" distorts the original meaning of Hegel's term. Although "capitalistic" or "bourgeois society" replaced "civil society", the term *burgerlich* survived the changed interpretation.

The division of labour, exchange and private ownership of the instruments of production (already crucial in Hegel's thought) as well as society divided into property owners and propertyless, was at the heart of the "civil society" envisaged by Marx. "Civil society" for Marx signifies the historically established domination of the bourgeoisie over the proletariat. For Marx "civil society" was certainly not a society of more polished manners; it was not even a society held in conference by the mutual dependence of partners in a relationship of exchange, rather it was a society in which the propertyless mass of population was coercively held in subjugation by the owners of the instruments of production.

Thus Marxist theory conflates the complex pattern of stratification, group organization as well as the conflict and movements of "civil society" to the logic and contradictions of a mode of production - the capitalist economy. Since for Marx, the nature of "civil society" was directly shaped by the dynamics of production and commerce, the implication was that the exploitation and domination in the economic sphere, would be reproduced at the level of the state and civil society.

A brief sketch of Marx's class analysis of society prepares the way for an understanding of his solution to the above state of affairs: According to Marxists the key to understanding the relations between people is class structure. Those who are able to gain control of the means of production both economically and politically, form a dominant or ruling class. Class relations are necessarily exploitative and imply divisions of interest between ruling and subordinate classes.

In class societies, far from the state and its agencies playing the role of emancipator, they are emeshed in the struggles of "civil society". Marxists conceive the state as an extension of "civil society", reinforcing the social order

for the enhancement of particular interests - in capitalist society, the long-run interests of the capitalist class. According to Marx the modern state, instead of a separate entity that embodies universal interests and rules impartially over its subjects, is in fact a coercive institution which both reflects and reinforces the particular, historically specific interests of civil society (Keane 1988b:60). In this way he rejects the model of the state defended by Hobbes, Locke and Hegel.

As mentioned earlier, Hegel's ideal state was characterized as universal, with the ideal state able to transcend and reconcile the separate wills of individuals in civil society. According to Hegel, the state is an "instrument of universal insight", an "ethical community". Marx however, emphasized that the state apparatus is simultaneously a "parasitic body" on civil society and an autonomous source of political action (Held 1987:34). By denying the universality of the state, insisting that the state expressed the particularities of civil society and its class relations, Marx succeeded in fundamentally transforming Hegel's distinction between the "state" and "civil society."

A brief example relating to the institution of private property serves to illustrate the non-universal, biased nature of the state which in Marxist theory is believed to express the particularities of civil society and its class relations. The liberal claim that there is a clear distinction between the private and the public, the world of civil society and the world of the political (state) is queried once again.

Central to the liberal and liberal democratic traditions is the idea that the state can claim to represent the community or public interest, in contrast to individuals private aims and concerns. However, according to Marx and Engels, in treating everybody in the same way, according to principles which protect the freedom of individuals and defend their right to property, the state may act "neutrally" while generating effects which are partial i.e. sustaining the privileges of those with property (Held 1987:33).

For example, by defending private property, the state has already taken a side. Subsequently, the state cannot be considered an independent structure or set of institutions above society i.e. a "public power" acting for the "public". On the contrary, it is deeply embedded in socioeconomic relations and linked to particular interests (Held 1987:33). This view is confirmed by a **Communist Manifesto** slogan which runs: "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie". Here the

point is made that the state maintains the overall interests of the bourgeoisie in the name of the public or general interest.

Because the state in capitalist society is always fundamentally flawed and cannot be reformed, Marx's solution is that it must be done away with. Seeing that "true democracy" can only be established with the destruction of social classes and ultimately the abolition of the state itself: the state must "wither away" leaving a system of self-government linked to collectively shared duties and work (Held 1987:50). Thus Marx assumed that the successful struggle of the working class for control over civil society would permit the abolition of the state (Keane 1988b:62).

Besides the state, Marx is equally dismissive of liberal political and economic institutions. All institutions in civil society are deemed unacceptable for the following reason: they are instrumental in enforcing the *status quo* of inequality and should therefore be abolished. His dislike of the institutions of modern "civil society" reduces them all to mere instruments of bourgeois culture and capitalist relations. Hence the importance of institutions of civil society such as households, churches, scientific and literary associations, prisons, hospitals to name a few, is devalued, for all these were assumed to be unequivocally tied to the overwhelming power of capitalism. This lack of respect or enthusiasm for mechanisms such as an independent press, freedom of assembly, or the right to vote, serve to expose the Marxian idea of socialism to political dictatorship (Keane 1988b:59).

There are certain criticisms which can be levelled at Marx's theory of civil society. Two major criticisms namely: 1) Reductionism and 2) Totalitarian consequences, are critically addressed in the following section.

1.4.2 CRITIQUE OF MARXIST "CIVIL SOCIETY"

To begin with, the positive in Marx's understanding of "civil society" must be given credit by considering the following: In noting that modern civil society, characterized by particular forms and relations of production, is a contingent historical phenomenon and not a naturally given state of affairs, Marx emphasizes that the group structures and institutions of modern civil societies are not naturally given systems of life. In creating this awareness of the unnatural nature of the status quo, Marxist theory helps sensitize us to those unjust and

undemocratic forms of class power in modern civil societies which early liberal discourse justified or took for granted.

The first major point of criticism that can be levelled at Marx's understanding of "civil society" is that of reductionism. Marx has been accused of reducing civil society to its economic, and accordingly "exploitative capitalist, bourgeois roots". This "economism" has served to plague and cripple Marxian theory (Keane 1988b:58).

Furthering this point of critique, Atkinson (1992:33) asserts that to speak of the whole "state-civil society" distinction as equivalent to capitalism is to do violence to the whole tradition of political discourse. Conventional Marxian understanding of the distinction between civil society and the state should remember the following: the term "civil society" pre-dated the emergence of the bourgeoisie, being well-developed in classical and medieval thought. The distinction has a variety of early modern meanings (not just economic), all of which are concerned with the political problem of how, and under which circumstances, state power can be controlled and rendered legitimate.

Marxists economic focus on "civil society" has led to a diminution of the significance of the other spheres, making them seem derivative from or dependent on the market (Shils 1991:9). In terms of the above, the plurality of institutions (the institutional complexity) which make up "civil society" and which cannot necessarily be reduced to economic/class relations, is denied and concealed. Hence the growth of new types of institutions, such as organizations of professional engineers, doctors, lawyers, architects, whose knowledge and power and authority within civil society which cannot be explained by a class model of power, are ignored (Keane 1988b:59).

In other words, the incapacity of Marxists to develop a critical theory of "civil society" not oriented solely to its system of production, is a major failing, for in this way the Marxian interpretation fails to see that bourgeois civil societies past and present, cannot be understood purely and simply as spheres of egoism, private property and class conflict, that there are other factors which play a role. Here the neglect of the important role played by patriarchal households in securing male control of civil society is mentioned (Keane 1988b:58).

Secondly, in criticizing the liberal distinction between civil society and state, advocating the "withering away of the state" as well as the abolition of the

associations and institutions making up civil society, Marx's ideas are open to a totalitarian interpretation.

While Marxists believe a genuinely human, rational society does not require a state and would in due course "wither away", history has shown up the deep irony of this assumption. Regarding the state and vanguard party as transitory phenomena which would dissolve once a certain degree of material welfare and social harmony was reached, instead of a "withering away of the state", the Soviet Union as well as numerous other Eastern European countries stand testimony to a past where the state became all-pervasive, with the result that "civil society" was repressed (Atkinson 1992:8).

The last major theorist whose views on "civil society" will be examined in any detail, are those of the Italian Neo-Marxist Antonio Gramsci. The ideas Gramsci inherits from Hegel and Marx as well as his own unique contribution to an understanding of "civil society", are critically dealt with.

1.4.3 GRAMSCI

With Marx, the "state-civil society" dualism more or less disappeared from the mainstream of political discourse. It required Gramsci's reformulation to revive the concept of "civil society" as a central organizing principle of socialist theory. Following the reception of Gramscian ideas, a renewed focus on "civil society" emerged (Weiner 1991:312).

The object of Gramsci's new formulation was to acknowledge the complexity of political power in the parliamentary or constitutional states of the West, in contrast to the openly coercive autocracies of earlier times. Gramsci thus appropriated the concept of "civil society" to mark out a new terrain of struggle which would take the battle against capitalism not only to its economic foundations, but to its cultural and ideological roots in everyday life (Wood 1990:62-63). In this way Gramsci reversed the reductionist economism of the Marxian analysis by concentrating on the broader dimension of cultural associations.

Although a follower of Marx, Gramsci generated his own conception of "civil society" directly from Hegel. The most decisive departure of Gramsci from both Hegel and Marx is his highly original option for a three-part conceptual framework - "civil society" defined as independent from economic development

and state power. Gramsci therefore transforms the Hegelian model into a tripartite version of the concept which juxtaposes civil society not only to the state but also to the economy. The resulting trichotomous conception is claimed by Cohen and Arato (1992:145) to have burst through the bounds of historical materialism, albeit inconsistently.

Gramsci's dichotomy between civil society and the state does not faithfully reproduce Marx's. Although maintaining the distinction, Gramsci moves the former (civil society) from the sphere of the material base to the super-structure. "Civil society", regarded as important in itself, is thus made the locus of the formation of ideological power (as distinct from political power) and of the process of the legitimation of the ruling class.

Gramsci (in McLellan 1979:188) defines "civil society" as "the ensemble of organisms commonly called private, that is, all the organizations and technical means which diffuse the ideological justification of the ruling class in all domains of culture". The particular content and form of "civil society" is viewed as the outcome and object of a class struggle. From this point of view, the outcome depends on which social group has been or is becoming hegemonic.[8] Where for example the bourgeoisie is hegemonic, civil society is bourgeois society and its constitutional guarantees (rights) and political expression are window-dressing for bourgeois rule (Cohen and Arato 1992:147).

Gramsci supposed that in Western bourgeois systems, "civil society" comprises a variety of "cultural" institutions which function to reproduce or to transform the dominant bourgeois sense of reality which tends to be shared by the dominated classes and groups. Although autonomous, the associational forms, cultural institutions and values of civil society are precisely those most adequate to reproducing bourgeois hegemony and manufacturing consent on the part of all social strata. The above form of "civil society" must therefore be destroyed and replaced by alternative forms of association, intellectual and cultural life and values that would help create a proletarian counter-hegemony that might eventually replace the existing bourgeois forms.

The way in which to effect the above, was not, Gramsci recognized, by confronting the state directly, but rather through civil society. According to Gramsci "the state was only an outer ditch, behind which there was a powerful system of fortresses and earth works" with "civil society" resembling the trench systems of modern warfare (Gramsci quoted in McLellan 1979:189). Whilst its

labyrinth structure normally served to resist the "incursions" of economic crises and protect the state apparatus, Gramsci recognized that it was precisely this complexity which allowed well-organized assailants to infiltrate (Keane 1988b:23).

Therefore, instead of proposing a "war of movement" i.e. insurrection, which meant attacking the state apparatus directly, Gramsci saw that the state was strong enough to resist such force and that any attempt to seize power in this manner would be doomed. Instead, having noted the state's weakness to lie in "civil" society, the Gramscian site for seizing state power is identified.

The protracted "war of position" Gramsci advocates for gaining control over "civil society" (and ultimately the state) is viewed as the most effective way of politically undermining the domination of the bourgeoisie in its "home territory" of the economy and coercive state. Defined as a strategy seeking to establish ideological and organizational leadership in the institutions of civil society Gramsci's "war of position" seeks to take over of the hegemony of civil society. He never saw the "war of position" as a replacement for armed struggle and insurrection, rather Gramsci viewed it as a complementary weapon to supplement the "war of movement" and eventually achieve socialist victory, or so-called people's power.

In the final analyis, Gramsci's development of a theory of "civil society" remains faithful to the classical Marxian goal of a communist society without class divisions, and subsequently no distinction between civil society and the state. This future society without a state, which Gramsci calls "regulated society", is the ultimate goal of working class struggles, guided by the Party and its intellectuals, to establish an anti-bourgeois hegemony within "civil society", itself conceived as the mediating link between the class-structured economy and state institutions based on coercion. In Gramsci's thought, the characteristic ideal of all Marxist thought on the extinction of the state is described as the "reabsorption of political society into civil society". This opens his theory to criticisms similar to those levelled at Marx.

1.4.4 CRITIQUE OF GRAMSCI

The disconcerting thing about Gramsci's theory of "civil society" is that "civil society" is never seen as an end as well as means. Rather it is viewed as a temporary and dispensable arrangement; just another site of struggle to bring

about the transfer of state power. As Keane (1988) puts it, Gramsci's interest in civil society is "wholly opportunistic", driven by the preoccupation of abolishing civil society by means of civil society. The reason for this is that Gramsci is unwilling to concede that within bourgeois civil society, imminent possibilities, beyond the established framework of domination, exist.

According to Cohen and Arato (1992:151,154) with Gramsci we are still dealing with a theory that seeks the total replacement of one form of society by another. They make the point that a left totalitarianism would not be normatively different from one on the right if it made no contribution to the reconstruction of "civil society". Consequently, the failures of capitalist civil society are seen to be recreated in socialist society in the sense that in both cases associations of civil society are not allowed to develop as autonomous organizations, independent from ideological control.

It is the above difficulties which have led to new attention being accorded to "civil society" in the late Twentieth century. Keane (1988b:25) mentions three reasons why a post-Gramscian approach is called for: Firstly, social and political conditions have changed dramatically since Gramsci's time and the belief that the industrial working class will play a leading role in an anti-capitalist revolution, is highly questionable. Secondly, the leading role of the Communist Party in this day and age is problematic, as well as the underestimation of the totalitarian potential of monopolistic parties. Finally, Gramsci's reliance on the Marxian postulate of the ultimate necessity of abolishing the state (and therefore civil society) is open to objections, anxieties and doubts.

In preparation for the following chapter which deals with the appropriate relationship between civil society and the state in a democratic dispensation, the concluding part of this first chapter addresses the democratic dilemma which tracing the history of the concept of "civil society" has continually touched upon, namely: How to maintain the balance between a successfully functioning sovereign state and a fair degree of personal liberty in civil society.

1.5 CONCLUSION

The dilemma in democratic theory which has continued to occupy the minds of political theorists and practitioners alike, concerns the important question of how to maintain the correct balance between a successfully functioning sovereign state and a fair degree of personal liberty. Articulated in terms of state and civil

society the question is: How does one maintain a successful balance between government power and the autonomy of civil society? (Atkinson 1992:2).

Atkinson (1992:2-28) uses the classical triad of the French Revolution values of liberty, equality and fraternity to illustrate the above dilemma. In this concluding section, by examining two traditions in democratic theory, namely the American and French traditions of balancing individual interests and the common good respectively, this problem is addressed.

Hence questions raised include: Should democratic institutions or constitutions be built around the "empirical" or "reasonable" will of the people? Should the constitutional rules and procedures be seen primarily as a mechanism of checks and balances that impose constraints on government elites and citizens alike? Should they be seen as constitutional, self-founding, developmental, formative and enabling mechanisms which are designed to alter and "de-nature" the empirical rule of the people and approximate it towards some notion of a reasonable will? Is it the objective of constitutions to establish a political order, or do they aim at instrumentally transforming the social and economic order so as to promote some substantive notion of justice and the common good? Is it the values of freedom and liberty or those of equality, solidarity and justice that provide the ultimate justification for a democratic party?

The above questions are variants of the single problem posed by the contrast of the American and French traditions of democratic theory and cannot as such be answered in an either/or fashion. Rather a synthetic effort aiming at a provisionally valid reconciliation of the opposites is suggested for the following reason: Whilst the polar case of a pure regime of checks and balances and a pure regime of republican virtue are of little practical significance, they are of the greatest theoretical significance in that they limit the space within which democratic theorists try to define synthetic solutions which in their turn are also of practical and political significance (Held 1991:157-8).

To begin with, the American tradition of democratic theory views democratic politics and popular power as something potentially dangerous. Hence there is a strong emphasis on checks and controls on the state. Most important to this tradition is the ideal of the free pursuit of the individual's notion of happiness. Any collective notions of happiness, salvation etc, are neither defined nor implemented through the political process, but rather through associative action

within civil society. The common good is therefore defined as the secure enjoyment of his/her individual good by each and every citizen (Held 1991:152).

This model relies on realistic, empirical assumptions (as opposed to idealist/rational) and as such does not make any strong or optimistic assumptions concerning the moral qualities that citizens are capable of displaying in the act of democratic participation. The understanding predominant in the American tradition, is that if men have morally "bad" intentions, as must be realistically assumed, the highest priority is to check the potentially dangerous impact of these intentions upon the process of democratic government.

However, if these intentions do turn out to be morally desirable, ample room must be left for the manifestation of these intentions within the communities and associations of civil society. Hence the political order itself can afford to be morally undemanding. In order to be on the safe side, it is neither tolerable nor desirable to commit democratic government to any notion of republican virtue or the common good (Held 1991:153).

Certain preconditions and requirements are necessary for this model to operate succesfully, namely that citizens must be considered willing and able to respect the common interest in the preservation of civilized and constitutional rules, rather than engage in unregulated individualistic struggles of interest (Held 1991:152).

In contrast to the American model, the French tradition of democratic theory is perceived as a collectivist notion of secular salvation through social progress, with the constitution being considered machinery for promoting this encompassing vision of the common good. Hence the problem here is not of how to check and neutralize the dangers of faction, but how to enable citizens to be "good" citizens - i.e. citizens committed to the common good.

Given the fallibility of the will of the popular sovereign, the task of the constitution becomes one of overcoming this fallibility and securing the progress already made. Rousseau was fully aware of this difficulty and his Social Contract can be read as a relentless effort to specify the conditions under which the empirical will of the people can be approximated to the reasonable will of the people (Held 1991:153).

In criticising both traditions, Held notes the following: 1) that the American model, in its aim is to bind citizens to respect law and the constitution in the process of their pursuit of interests, is too undemanding, reducing the concept of the common good to an aggregate of individual preferences and 2) The problem of the French option - which aims to condition citizens to be "good" citizens i.e. citizens able to be active authors of the common will - is too demanding in that it presupposes highly demanding conditions for the consonance of the people's will and the common good.

Important however in Held's exposition, which directly relates to the concluding section of this thesis, namely the notion of a "civil" civil society, is his argument that the above two traditions of democratic theory are historically different institutional strategies designed to achieve the same aim, namely that of civilizing citizens.

Therefore, important for both traditions is the following: that the way in which individual citizens pursue their interests and values, be in a "civilized" way i.e. political practice must be firmly tied to the rules, disciplines and procedures that permit the pursuit of interest by all to remain fair, equitable and peaceful (Held 1991:157). Thus in both the American and French traditions, to widely varying degrees, institutions must be provided that serve the purpose of purifying and refining the "raw" and uncivilized inclinations of actors (Held 1991:158). These are understood to be the democratic institutions of civil society and the state. How these institutions operate to accomodate civil, democratic practice is expanded on later in this thesis.

The focus of this preliminary chapter has been to concentrate on various historical, theoretical conceptions of the nature of "civil society" and its corresponding relationship to the state. The ideas touched in this chapter will be seen to have provided important background material to the discussion which follows, especially in relation to the third chapter which focuses on the South African debate on "civil society". The following chapter: **Civil Society, State and Democracy**, discusses the nature of the appropriate relationship between civil society and the state under a democratic dispensation.

CHAPTER 2

CIVIL SOCIETY, STATE AND DEMOCRACY

The previous chapter traced, in a chronological historical way, various conceptions of the nature of "civil society" and its relationship to the state as understood by significant theorists in the past. Having examined aspects of the concept's complex history, its significance for contemporary political thinking oriented to current political controversies and social struggles, especially in relation to democracy, becomes clearer.

Despite longstanding, powerful, theoretical and methodological biases, the study of "civil society", particularly in its relationship to the development of democracy, is now flourishing. Diamond (1993:3) cites two reasons why: 1) "Civil society" constitutes one of the relatively unchartered frontiers in the study of democratic development and 2) the importance of this terrain has become increasingly manifest as global democratization has unfolded.

Whilst in the past the quest for democracy focused on the state and control of state power (hence concern with extending the franchise and constitutional changes) the crisis and demise of state socialism in Eastern Europe, as well as general disillusionment with the state, has redirected democratic concerns to the alternative of "civil society". Similarly, what has been referred to as the "resurrection of civil society", has played a crucial part in transitions from authoritarian to democratic rule in a number of Latin American and Southern European societies.[1]

Barry (1993:8) refers to the democratic renaissance taking place in Africa, where, through the struggles of workers, civil servants, students, churches, journalists, businessmen, teachers and farmers, this continent is determined not to be isolated from the dramatic democratizing events taking place in the rest of the world.

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[1] In this regard see: Arato (1981), Cohen (1992), Di Palma (1991) Fedorowicz (1990), Frentzel-Zagorska (1990), Garton Ash (1990), Havel (1989), Hirst (1991), Hosking (1988), Kennedy (1990), Keane (1988), Kis (1990), Kolarska-Bobinska (1990), Kuron (1990), Migranyon (1992), Precan (1990), Rau (1987), Scanlan (1988), Schopflin (1990).

"Civil society" has therefore come to constitute a major pressure and hope for democratization, with the changes and mobilization within, as well as the growth of informal organizations and movements and political participation in them, being highlighted as the origin of democratic transitions (Diamond 1993:20,23). In the light of this point, the recent emergence of a South African debate on the importance of civil society, is understandable.

When it comes to the quest for democracy and the process of democratization, there has been a notable change of emphasis in democratic theory from the realm of the state to that of civil society. While establishing democratic control over the state is still important, the state is not considered as the be-all-and-end-all of democracy. Democracy is regarded as too important a matter to be left only to the politicians, political parties or to the government. A strong and vibrant "civil society" is perceived as equally important for the quality of democracy available to people, for it is believed that a democratic political culture is as much rooted in the activities of civic associations, churches, universities, trade unions, youth and women's movements - the sphere of civil society, as the state.

Against this background, the aim of this second chapter, **Civil society, State and Democracy**, is three-fold: Firstly, to establish a stipulative definition of "civil society"; Secondly to examine how both the state and civil society can be democratically reformed through the process of "double-democratization", and thirdly to examine the specific role which organizations making up civil society can play in promoting and sustaining democracy. As its overall goal, this chapter has the creation of an evaluative framework against which to interpret and judge the recent South African debate on civil society, its relationship to the state as well as its role in transition to democracy.

The first aim, of establishing a stipulative definition of the concept "civil society", attempts to isolate, examine, qualify and connect the various essential characteristics of organizations which make up "civil society". The attempt is made to define a "civil society" which can serve as a true foundation for the construction of a viable democracy.

Regarding the second aim, Walzer (1991:302) notes that only a democratic state can create a democratic civil society and only a democratic civil society can sustain a democratic state i.e. prospects for democracy increase if the correct structural preconditions (the appropriate relationship between civil society and the state) exist. The absence of these structural preconditions impedes the

emergence of democratic regimes, despite the existence of other conditions favourable for a democratic transition (Chazan 1993:11).

The question of how to simultaneously democratize civil society and the state, is addressed by looking at Held (1987) and Keane's (1988) process of "double democratization". This process is also useful in forming a synthesis to bridge inconsistencies in Liberal and Marxist approaches to the relationship between civil society and the state, touched upon in the previous chapter.

Once reforms implied by the process of "double-democratization" have been explored, the concluding section of this chapter focuses on the variety of roles which the organizations making up civil society can play in promoting and sustaining a viable democracy. Three specific roles are highlighted: 1) An educative role (exposing and socializing citizens into a democratic modus operandi) 2) A resistance role (preventing abuse of power by the state by holding it accountable to the interests of its citizens) and 3) As vehicles for reconstruction and development.

Focusing on the essential characteristics of "civil society", as well as ways in which a democratic civil society can promote and sustain a democracy, serves as an important theoretical background to the South African debate on civil society, examined in the following chapter.

2.1 DEFINING "CIVIL SOCIETY" - ESSENTIAL CHARACTERISTICS

Civil society - like democracy - is not a dichotomous phenomenon that is either present or absent. Rather it is to an extent and in varying degrees, present in every country in the world. Every state has a civil society of sorts, but in order to judge its nature and degree, certain characteristics and criteria which make up civil society, need to be established. Via the articulation and formulation of a stipulative definition, the following chapter will attempt this task.

To some extent the drawing of boundaries between civil society and other societal phenomenon is a matter of theoretical taste and purpose and it is virtually impossible to imagine a firm consensus on a definition of "civil society" emerging. Nevertheless this is a crucial exercise for meaningful scholarly analysis. Circumscribing the boundaries of "civil society", isolating its various characteristics and core values, as well as criteria which may be used to

evaluate the extent to which one may talk about "civil society", forms the first part of this chapter.

"Civil society" is an elusive concept to define and has, as Narsoo (1990:24) cynically notes, "like democracy, become all things to all people depending on which position they wish to punt", i.e. "civil society" is a sponge term absorbing all kinds of meanings, positive as well as pejorative. As such, there is no "correct" definition of "civil society", however, the importance of clarifying one's own usage of the term, serves as the justification for the attempt made here to establish a stipulative definition of the concept.

Diamond (1993:4) warns that if the concept of "civil society" is to have any use, its meaning must be sharply clarified and circumscribed and the following must be taken into account: If "civil society" is conceived too broadly, encompassing all forms of autonomous organization outside the state, it will lose its meaning and utility and render hopeless any endeavour to specify relationships between civil society and democracy. However, on the other hand, if "civil society" is conceived of too narrowly, to refer only to those organizations and networks that are democratic in purpose and internal structure, it will, by definition, pre-specify and thus rule out for study as tautological, the relationship between civil society and democratic regime forms.[2] It is therefore important to find conceptual middle ground.

Although the nature of civil society is recognized as being a contested issue, its meaning as the previous chapter pointed out changing with each great theorist and tradition, the way in which certain major contemporary theorists (cf Bobbio 1988, Held 1987, Keane 1988) agree to define "civil society" is, for the purpose of this analysis, taken as a starting point for the establishment of a stipulative definition:

> "Civil society may be conceived of as comprising formations relatively independent from, and outside of the state viz. the market-regulated, privately controlled and voluntary organized complex of community life that lies between the "private realm" of individual action and the "public realm" of organizations and institutions constituted by the state" (Keane 1988a:1).

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2 Several authors make the point that civil society is not democratic society: Bayart (1986), Chabal (1986) Diamond (1989).

Providing they meet up to the characteristics identified in the above definition as well as several others, which the following pages will explore, associations such as churches, universities, civic associations, the press, interest groups, rate payers organizations, women's organizations, farmers associations, chambers of business and industry, trade unions and burial societies can, according to Keane's definition, all be identified as organizations of civil society.

In the following pages, aspects of the above definition, as well as certain other additional, essential characteristics required if organizations are identified as forming part of "civil society" will be looked at. To begin with, it is recognized that the nature of civil society is to a large extent determined by the nature of its relationship to the state. Hence, a useful point of departure is to examine the dynamics of this relationship.

2.1.1 CIVIL SOCIETY - STATE RELATIONS

Organizations which make up civil society are identified as "relatively independent and autonomous". The question which follows is: relatively independent and autonomous from what? According to the above definition, formations of civil society are conceived as being "relatively independent from and outside of the state". That organizations making up civil society are defined as "relatively" rather than "absolutely" independent and autonomous from the state, becomes clearer as this chapter proceeds.

One of the most common problems in contemporary literature on this topic, is to conceive of civil society as intrinsically in opposition or contradistinction to the state, and therefore as everything outside of it. While in one way this conception is understandable, especially in contexts where, opposed to a repressive authoritarian state, civil society, a liberating force, was perceived as everything outside of the state.[3] This is shown to be a superficial understanding.

The relationship between civil society and the state is not always necessarily antagonistic and confrontational. Instead it can, as will be shown, be cooperative, collaborative and inter-dependent. Simply juxtaposing the spheres of civil society and the state (as the private and public, creative or coercive realms respectively) does not do justice to the complex, dynamic relations

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3 See Arato, A. 1981. pp.23-47.

existing between them. There is therefore a need to move beyond such simple dichotomies, for the configuration of civil society reflects a multiplicity of state-society relations.

The relationship between civil society and the state is never one-way, but rather involves interpenetrations which can best be captured by conceptual dualities that are dynamic and fluid, rather than static or ossified. *Civil society, in encompassing both formal institutional relations legislated in contractual agreements and responsibilities, corporate positioning such as classes, genders, markets, and diffuse groupings of varying temporal and spatial identities, can never as such be fully engaged or disengaged from state governance. In equally complex ways the state can never rely upon its own constitutional authority, bureaucratic apparatus or ideological frameworks to ensure compliance, cooperation or coordination. The formations of state and civil society are therefore thoroughly entangled (Simone and Pieterse 1993:2).

2.1.2 VOLUNTARY, AUTONOMOUS, SPECIFIC AND PLURAL

In examining specific characteristics of organizations which make up civil society, it is noted that these bodies are constituted by individuals who are voluntarily and communally organized around specific interests i.e. individuals in society with similar interests, such as a specific interest which focuses upon concern for the environment, come together voluntarily to form an association. The notion of volition (as opposed to coercion) is central to civil society and it is most important that individuals or groups who locate themselves in civil society must do so by choice. Walzer (1991:293) substantiates this notion by referring to civil society as naming the space of "uncoerced human association".

The voluntary participation of citizens in all manners of association outside the state realm, struck Tocqueville as the bedrock of democratic practice and culture. Similarly, Almond and Verba (1965:224) who find much in the tradition of Tocqueville, note that stable democracy and high rates of formal political participation are strongly correlated with extensive voluntary participation and cooperation in civil society - "that broad realm of social life between the family and the state or political arena". Membership in voluntary organizations is seen to be quite strikingly correlated with citizens' sense of political competence or efficacy - a point taken up later in this chapter.

However, not all organizations which form part of the voluntary sector necessarily constitute civil society formations. Chazan (1992:289) demonstrates

this point by isolating four categories in the voluntary sector according to the degree of autonomy which they possess from the state. Associations that: 1) stand clearly apart from the state and shun all contact with it (example: fundamentalist religious groups) 2) form an integral part of the state (example: civil servants associations) 3) are separate from the state and act either as an alternative to it or attempt to take it over (example: racially ideological groups or liberation movements), do not form part of civil society. Only the fourth category, namely associations that are organizationally autonomous from, but interact with the state, are considered to be part of civil society.

Accordingly, civil society is defined as "the segment of society that interacts with the state, influences the state and yet is distinct from the state" (Chazan 1992:281). The autonomous base, upon which civil society necessarily rests, allows it to play the role of criticizing and curbing the power of an authoritative state. However, civil society is necessarily, as remains to be discussed, always relatively, rather than absolutely autonomous from the state.

Related to the above, one of the criteria Diamond (1993:7) mentions for assessing the degree of civil society, is the degree of autonomy it possesses from the state as well as actors in political society. Unlike civil society, political society encompasses those organizations and networks that compete for placement or control over the state, within the established institutional parameters of that state i.e. in all its administrative, bureaucratic, legislative and coercive dimensions (Diamond 1989:7). In a democracy, political society consists mainly of political parties, affiliated networks, organizations and campaigns.

Diamond (1993:9) argues that groups which seek to change the nature of the state and displace the existing regime may still qualify as part of civil society, if their effort stems from concern about the public good and not a group goal to take over the state. Ideally, however, organizations which make up civil society, in contrast to political society, display an anti-political quality, marked neither by the fantasy of seizing and transforming state power, nor by the more humble desire to concentrate exclusively on party politics.

Chazan's third category makes it quite clear that associations which act "either as an alternative to" or "attempt to take over" the state, do not fall within the category of civil society. Organizations which form part of civil society may oppose official policies, seek to oust governments, even advocate fundamental

regime change, however they do not attempt to assume power themselves (Chazan 1992:297) i.e. they have the predisposition to influence public affairs without the desire to assume power, concentrating on the non-dramatic task of publicizing and transforming the less visible fields of micro-power relations within which they emerge and operate, thereby serving to deepen the division between state and civil society and build new forms of solidarity, in this way contributing to the pluralization of power relations within civil society itself. Civil society thus relates to the state in a way not seeking to control it, but rather to obtain from it concessions, benefits, policy changes, relief redress, or accountability to its scrutiny.

Another characteristic which organizations making up civil society have in common is the fact that they have specific and well-defined objectives (Chazan 1993:10). The interests around which organizations of civil society are focused are specific and diverse, rather than holistic and communal. In this case the holistic nature of the interest which certain groups express with their goal of "taking over the state" serves to exclude them once again from civil society. Instead, numerous groups, representing and embracing different specific, often diverse interests add to the picture of civil society as an inherently plural realm.

Pluralism implies a variety of formations or interests groups representing partial, diverse, often incompatible interests. Because of the pluralistic nature of civil society, no group in civil society can claim to represent the whole of a person's or community's interests. Rather organizations which make up civil society have a partial and plural nature and do not claim to represent the whole. The final overriding trait of civil associations is that they are partial and not total institutions (Chazan 1993:10)[4]

In a pluralistic and competitive context, organizations of civil society can explore different approaches, providing for the fullest expression of tendencies and opinions within a sector, encouraging creativity in response to problems (Diamond 1993:18). However, to the extent that an organization such as a religious fundamentalist, ethnic chauvinist, revolutionary or millenarian

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4 In his article "The idea of civil society", Walzer attacks the projects of democratic citizenship, socialist production, free enterprise and nationalism, as answers to "the good life". All are wrongheaded because of their singularity, which misses the complexity of human society in this way neglecting the necessary pluralism of civil society (Walzer 1991:294).

movement seeks to monopolize a functional space or niche in political or social life, crowding out all competitors, it contradicts the pluralistic and market-oriented nature of civil society.

The inevitable differences of opinion which are bound to arise amongst organizations of civil society representing diverse, often incompatible interests, requires a high threshold of tolerance and acceptance for the views of "the Other". If, as is mostly the case, a "culture of tolerance" as a sufficient condition to sustain the plurality of civil society cannot be assumed, the important role which the state and its institutions play in this regard, comes to the fore. Hence the pluralism and diversity which are key factors of civil society, lead the discussion to focus once more on the interdependency of its relationship with the state.

2.1.3 INTERDEPENDENCY - CIVIL SOCIETY AND STATE

The inherently pluralistic nature of civil society, and the general absence of "a culture of tolerance" in most societies, requires a strong state to curb conflicts which may arise amongst the various diverse organizations of interests which make up civil society.[5] The competing claims and conflicts of interests generated by civil society can only be settled peacefully by means of laws which are applied universally and since universal laws cannot emerge spontaneously from civil society, their formulation, application and enforcement requires a legislature, a judiciary and a police force, which are vital components of state apparatus (Keane 1988a:22).

Since no "natural" harmony among social groups can be assumed, in the absence of a civil society independent from the state, and parliamentary defence and mediation in turn, a plurality of principled forms of life is impossible (Keane 1988a:180). Thus, in order for different opinions and interests to coexist, a framework of state institutions which can help prevent the outbreak of serious domestic conflict, as well as vigorous political initiatives, funding and legal recognition for the survival and expansion of civil society, is required.

Representative electoral institutions, including parliament and the competitive party system, which enable the particular interests of civil society to argue their

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5 Here "strong" is not necessarily authoritarian and repressive, rather it could simply mean effective in statecraft, in getting citizens allegiance by persuasion or in compelling obedience if called for.

case and resolve their differences openly and non-violently, without state repression, must therefore be regarded as an inescapable element for authorizing and coordinating activities between civil society and the state (Held 1989:181).

As such there is no escape from power and coercion, no possibility of choosing, like the old anarchists, civil society alone. The state is always necessary in some way, creating the conditions in which elements in civil society can operate freely (Walzer (1991:301). The point Walzer stresses is that the network of associations incorporates, but cannot dispense with the agencies of state power. In a similar vein, illustrating the interdependence between civil society and the state, Hume wrote in his **Origin of Government** (1752): "Liberty is the perfection of civil society, but still authority must be acknowledged essential to its very existence".

Hence, only when there is a supreme and accountable political body - a national parliament - can final decisions be taken which fairly and openly balance and transcend the particular conflicting group relations of civil society. Parliament is thus an indispensable mechanism for anticipating and alleviating the constant pressure exerted by social groups upon each other, and upon the state itself. Actively functioning parliaments are a necessary condition of democratic regimes, precisely because of their capacity for provoking public debate, criticizing governments and resisting their monopoly and abuse of power (Keane 1988a:182).

Within democratic systems a constant danger exists that party competition, freedom of association, the rule of law and other democratic procedures will be used to defeat the ends of democracy. When faced with recalcitrant or power-hungry organizations in crisis situations, parliament becomes an indispensable mechanism for ordering the suppression of those groups explicitly committed to destroying pluralism (Keane 1988a:181). The pluralizing functions of parliament can be supplemented by courts of law, the press, trade unions and other independent social power groups.

However, no constitutional mechanisms can serve as an ironclad guarantee of pluralism. Protection for the principles of restraint and pluralism can only emerge from practice *between* racial and political camps as well as *within* them. This practice can come about through the opportunities for participation which the

plurality of organizations in civil society offer - a point emphasised later in this chapter.

To sum up: Because of its inherently plural nature, the realm of civil society has the tendency to generate constant anarchy, which in the absence of a "culture of tolerance" requires the state and its agencies to monitor the conflict. Civil associations can therefore be said to depend for their survival and coordination upon centralized state institutions which are necessary devices for enacting legislation and preventing civil society from falling victim to new forms of inequality and tyranny. Centralized state institutions are necessary devices for enforcing rights, coordinating new policies and containing inevitable conflicts between particular interests (Keane 1988a:182).

One can conclude that civil society requires political agency and that the state is an indispensable agent. Therefore in order to survive, civil society is necessarily *relatively* rather than *absolutely* autonomous from the state.

2.1.4 ECONOMIC CONSIDERATIONS

Although state legislation protects fundamental freedoms such as the right to organize and associate freely, providing the framework within which a plurality of groups with specific, different, often incompatible interests can operate, the following must be taken into account: Civil society must be protected by a legal framework which recognizes the right of the members to control the resources at their disposal, whether these are material or authoritative, without undue interference from the state or political parties.

On the other hand, state intervention in civil society is to an extent justified when one takes the following into account: That the ability of different organisations of civil society to influence social trends, or to lobby on behalf of their members is determined in part by their size, but also by their strategic location in the economic and political process (De Beer 1993:4). The agencies of state can therefore play an important role in protecting the small and weak groups against large and powerful ones, for civil society if left to itself, is seen to generate radically unequal power relations, which only state power can challenge (Walzer 1991:302).

Thus, before deciding on a definition, a final point which deserves consideration is namely the way in which organizations which make up civil society relate to the market, economy and processes of production. Whilst the market has a

pluralizing function which cannot be ignored, allowing different interest groups to express themselves and to compete, in order to understand and manage certain tensions and polarities in the relationship between the state, the market, and civil society, it is necessary to move beyond the free-market, centralised planning dichotomy and note the following.

The realisation must take place that the market is an essential feature of the way modern economies organize themselves but also that markets unfettered by the intervention of government or social forces are not only unattainable, but would breed unacceptable social distress and cause unsustainable social, ecological and political damage to society (De Beer 1993:3).

The point is that all institutions of civil society, which, following Keane's definition includes the market, i.e. the commercial/productive sector, have the potential to be either enabling or coercive (Atkinson: 1994). Thus, while a market economy is considered an essential part of a civil society, in order to be truly democratic, there has to be a degree of redistribution of resources through state intervention. The redistributive role which the democratic state plays in this regard will be examined more closely in the first part of the process of "double-democratization": Reforming the state.

2.1.5 DECIDING ON A DEFINITION

Having dealt with the major characteristics which come to the fore when attempting to define civil society, a stipulative definition of civil society is tentatively, put forward. "Civil society" can be defined as:

> "an inherently diverse and pluralistic realm, including processes of production/economy, and distinct from, yet interacting with the state, consisting of numerous associations organized around specific interests with the following characteristics in common, namely they are: independent, voluntary, autonomous, communally organized, able to form links with other interest groups and do not in any way seek to set themselves up as an alternative authority to the state" (Camerer: 1994).

In order to assess the degree to which one can talk in certain situations about civil society or not, criteria which serve as a degree of measurement (different to characteristics which are the defining features of a concept) are useful. In assessing the nature of "civil society" portrayed by South African theorists, the above definition's criteria and characteristics are kept in mind. Firstly however, general institutional reforms which must take place within the state as well as

civil society in order for them to be able to sustain a democratic dispensation, are critically examined.

2.2 DOUBLE-DEMOCRATIZATION

Walzer (1991:302) notes that only a democratic state can create a democratic civil society and only a democratic civil society can sustain a democratic state i.e. prospects for democratic government increase if the "correct" structural preconditions exist.

How to simultaneously democratize civil society and the state is addressed by focusing on Held (1987) and Keane's (1988) process of "double democratization". They articulate a dualistic strategy that sees the different forms of democratization in civil and political society as complementary, each indispensable for a project of "more democracy" (Cohen and Arato 1992:81).

In Chapter One, arguments relating to the strengths as well as the weaknesses of the Liberal as opposed to Marxist conceptions of the relationship between civil society and the state were examined. Both approaches were found to be inadequate. Briefly, the main objections are that Liberalism identifies the market as part of civil society and ignores the fact that markets comprise power relations, and Marxism neglects the threat to individual autonomy and liberty arising from the power of the state.

Hence the following questions arise: Is there an alternative form which the relationship between the state and civil society might take, and how should it be defined from a more fully democratic perspective? (Keane 1988a:11). How can the state and civil society be combined to promote and maximize equality with liberty? The nature of this re-formed relationship forms the basis of the following discussion.

To begin with, over the last few years the question has been raised whether the distinction between civil society and the state, which has lasted two centuries, still possesses a raison d'etre. In a sense, the process of the emancipation of society from the state (society-making state), has been followed by the reverse process of the reappropriation of society by the state (state-making society). These relationships are contradictory; the completion of the first would lead to a society without a state - the extinction of the state; and the accomplishment of the second, to a state without society - the totalitarian state.

As these two processes have, simply because of their cohabitation and contradictoriness proved impossible to accomplish, an alternative relationship is necessary. This relationship would need to be compatible with democratic institutional arrangements and seek to maintain the distinction between civil society and the state i.e. recognize and emphasize their interdependence. It is argued that the process of "double-democratization" facilitates such a state of affairs, for if neither the universalization of civil society nor the universalization of state power is viable or desirable under contemporary conditions, then the preservation of the institutional distinction between state and civil society would seem to be a *sin qua non* of democracy in complex societies (Keane 1988b:25).

Both Keane and Held envisage a third or alternative position to the Liberal and Marxist approach to the relationship between civil society and the state. While Keane (1988a:13) believes one can achieve a more complex understanding of the mutual interdependence of liberty and equality by recognizing the need for reforming and restricting state power and expanding and radically transforming civil society, Held (1989:8) makes a case for a third way - a model of "democratic autonomy" or "liberal socialism" - which might help create and restore the opportunities for people to establish themselves in their capacity of being citizens.

Neither of the above two positions are separately examined. Rather, attention is focused on the case which both Keane (1988) and Held (1987) make for reforming the relationship between civil society and the state, summed up by the process of "double democratization". For democracy to flourish today it has to be conceived as a double-sided phenomenon concerned with the reform of state power and the restructuring of civil society. This entails a process of "double-democratization": the interdependent transformation of both state and civil society.

This position argues that attempts to re-form the state and civil society take place through two interdependent processes: 1) the restructuring of state institutions i.e. democratizing the state in a wide-ranging manner and 2) the expansion of autonomy in civil society i.e. enhancing the independence of the multitude of groups that compose civil society. Understood in these terms "democratization" would mean attempting to maintain and to redefine the boundaries between civil society and the state through the above two interdependent and simultaneous processes. Civil society and the state thus, must become the condition of each other's democratization (Keane 1988a:14).

This process of democratization is premised on the acceptance of the principle that the division between state and civil society must be a permanent and central feature of a fully democratic social and political order. In rejecting the assumption that the state could ever replace civil society or vice-versa, it thereby defends on the one hand the liberal principle that the separation of the state and civil society must be a permanent feature of any democratic political order, and on the other hand the Marxist notion that this order must be one in which productive property, status and the power to make decisions are no longer subject to private appropriation (Held 1989:166-7).

Thus the central issue today is not the old alternative between Liberalism or Marxism, reformism or revolution to abolish the state. Rather it is the question of how to enact the "double-sided" process of creative reform protected from state action and innovation from below though radical social initiatives (Held 1989:168). It will be demonstrated how the power of civil society and the capacity of state institutions can in fact increase together. If the impetus for change comes from above and below, the possibility of a democratic transition is positively increased. Therefore, the simultaneous democratic fortification of institutions at the level of the state and civil society through the allocation of resources to both types of institutions, increases the democratic potential of civil society and the state (Chazan 1993:12).

It is evident that democratization - the pluralization of power within a civil society protected and encouraged by an accountable framework of state institutions - is only one possible form of the state/civil society relationship. Other relationships between the distinct, yet interdependent realms of the state and civil society may be described according to the following caricatures: 1) Strong state - weak civil society 2) Weak state - strong civil society 3) Weak state - weak civil society and 4) Strong state - strong civil society.

While weak states are typified as "tyrannical" and undermine civil society (Stadler 1992:34), a strong authoritative and autonomous state contributes to a vigorous and creative civil society. As this chapter progresses, it will become clear that a strong state and strong civil society is the preferred scenario for sustaining a democracy. It is this preferred state of affairs which Keane and Held's process of "double-democratization" seeks to accommodate.

Why are a strong state and a strong civil society necessary in order to sustain a stable democracy? This question can be answered generally in the following

way. Without a secure and independent civil society, goals such as freedom and equality cannot be realized, but without the protective, redistributive and conflict-mediating functions of the state, struggles to transform civil society are likely to become fragmented, or the bearer of new forms of inequality of power, wealth or status.

The following questions arise as to how to achieve the process of "double-democratization": How and in what ways might state policy be made more accountable? How and in what ways, might "non-state" activities be democratically reordered? Which types of state intervention in civil society tend to paralyze the democratization process? How can this paralysis be avoided? How can state institutions and policies be transformed so as to maximize their democratic character and effectiveness? Which types of institutions can best operate as "messengers" between civil society and the state? (Keane 1988a:62).

In the following pages an attempt is made to answer the above questions by adding some institutional detail to the double-sided conception of democracy. Under the headings of "Reforming the state" and "Transforming civil society" details of how to democratically "reform" and "restrict" state power and at the same time "expand" and "transform" civil society, are highlighted. That the state should be made more accountable to civil society and non-state activities within civil society be democratically expanded and reordered, forms the main impetus of the argument to follow.

2.2.1 REFORMING THE STATE

That existing institutions of the state are required to be "reformed" by the process of "double-democratization", implies that their current nature is not applicable to a truly democratic institutional arrangement. In referring to the processes of reform affecting state institutions, Keane and Held aim in effect articulate the ideal nature of the state under a democratic dispensation.

According to Held (1989:181) the structure of the liberal-democratic state which includes large, frequently unaccountable bureaucratic apparatuses, institutional dependence on the process of capital accumulation and political representatives preoccupied with their own re-election, does not create an organizational force which can adequately regulate "civil" power centres. Something more is required. Practical suggestions of ways in which state institutions may reform their character along more democratic lines, forms the basis of the discussion which follows.

There should however be no illusions about the centralising nature of the state whose primary function remains that of maintaining political stability and security. The main business of the state is to govern, to command resources and allegiance, and to run things from the top down. However, having said that, what is often at issue is whether the state can be compelled to be more democratic and accountable to its citizens (Serrano 1993:5).

When it comes to the process of democratization with regard to the state and its institutions, there are several features this section will consider. These include the following: 1) Separation of powers, 2) Accountability, 3) Bill of Rights, 4) Economic equity, 5) Participatory structures, and 6) Representativeness of state institutions.

In order to democratize the state, the first most important democratic mechanism involves the separation of powers at central level. The logic behind this view is to avoid absolute power resting within a centralized state, which may prove unaccountable. Separation into judicial, executive and legislative powers, with the judiciary having the right to judicial review in terms of an entrenched Bill of Rights, is believed to characterize a democratic state. Hence, through the separation of powers, restrictions and limits are placed on "public power".

Secondly, directly related to the above point, the main condition Keane (1988a:14) mentions to enact the process of democratization in relation to the state, is the following: State institutions have to become more accountable to civil society. Accountability is perceived as one of the most important requirements of democratic political life. It involves openness, controversy, pluralism and universal participation[6] , as opposed to undemocratic practices which include secrecy, cunning, enforced unanimity, and the constant growth of the means of physical violence (Keane 1988a:24).

Reforms to state institutions in order to encourage greater accountability, would therefore include the following: Expansion of local government power as opposed to rigid, centralized state bureaucracy and the subjection of ministerial power and administrative rule-making to effective judicial scrutiny and the rule of law (Keane 1988a:23). This position should be qualified by noting that the

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6 Universal here refers to the equal right of all citizens above the age of eighteen to vote.

expansion of local government could lead to local despotism, hence while this expansion may be a necessary condition for democracy, it is not a sufficient one (Atkinson: 1994). Other checks on local government power by a variety of different interest groups in civil society, should be carried out if democracy is to be safeguarded.

Schwella (1991:60) points out that under conditions of modern representative norms of democracy, democratic accountability has been institutionalised through a range of public institutions specifically created for this purpose. Important institutions in this regard include the legislature, the judiciary, the executive and administration and the media. The legislature as the basic institution for maintaining democratic control and democratic accountability, enhances the latter through public debate, open criticism and free elections. Institutional aids which assist the legislature in the enforcement of public accountability include select committees, the ombudsman, and state auditors (Schwella 1991:75).

The media's role as pillar of a functioning democracy in the maintenance of democratic accountability is viewed as virtually axiomatic: apart from anything else, the media is essential in conveying information about the functioning and findings of all the other institutions of democratic accountability to citizens. The contribution of the press in enabling citizens to utilise their political rights in the enforcement of democratic accountability is important to the extent that people's knowledge of the facts about government is the very foundation of a democracy. Without the facts in public affairs, democracy falls prey to illusion and corruption. Where governments or the newspapers suppress the news or distort it with propaganda, the product is ignorance, class hatred, international ill-will and dictatorship. Therefore, in conveying essential facts about government and administration to the public, enabling it to call the powers that be to account, the media plays an important role in the maintenance of democratic accountability (Schwella 1991:75).

Most importantly, the idea of democratic accountability involves some general and basic recognition that final control over the government and administrative apparatus should be vested in citizens of the state. This in effect requires that all citizens should be involved in some way or another in legislative and policy decisions. The rulers are accountable to the governed who have the supreme sanction to dispose of them in a constitutional way, and have to accept their accountability to the representatives of the people. That citizens should have

final control over the government and its administrative apparatus is ensured by rulers and officials who are democratically accountable for their actions to the citizens (Schwella 1991:59).

However, the notion of democratic accountability requires some qualification. Not every case or form of popular accountability is necessarily democratic, especially where this concerns exclusive, sectional or privileged constituencies. Such accountability may indeed function to sustain essentially undemocratic structures and practices. The point is made that democratic accountability cannot be arbitrarily confined to certain constituencies if this is to the exclusion of other relevant constituencies (Du Toit 1991:36). Therefore a distinction must be made between democratic accountability and other forms of accountability. While democratic accountability is linked to democracy with its commensurate rights and obligations of citizens and governments, accountability as such, does not necessarily imply accountability towards citizens (Schwella 1991:59)

Finally in relation to democratic accountability, there are contexts where this form of accountability may come into conflict with other important values, which in turn are held to be part and parcel of democracy, or where the relevant sense of accountability is not straightforwardly democratic. An example of this may be the case of professional accountability, which involves specialised and hierarchical control, which is as such undemocratic rather than democratic (Du Toit 1991:36).

Democratic accountability as discussed above, has been seen to involve responsibility towards the citizens of a state with regard to their fundamental human needs and rights. While the idea of the limits of "government" explicitly defined in constitutions and bills of rights subject to public scrutiny is fundamental to democracy conceived as a double-sided process, such a conception of democracy requires that these limits on "public power" to be reassessed in relation to a far broader range of issues hitherto commonly presupposed. As far as the state must be made more accountable to a pluralistic civil society, social initiatives whose aim is the expansion of civil liberties, should also be encouraged. It is here that the third issue under consideration regarding reforming the state, namely the question of a Bill of Rights, comes to the fore.

With regard to rights and democratizing the state, the following should be taken into account: If people are to be free and equal in the determination of the conditions of their own lives, and enjoy equal rights in the specification of a framework which generates and limits the opportunities available to them, they

must be in a position to enjoy a range of rights not only in principle, but in practice i.e. the rights of citizens must be both formal and concrete.

It follows that in reforming the state, if one chooses democracy, one must choose to operationalize a radical system of rights (Held 1989:183). This entails the specification of a far broader range of rights, with a more profound "cutting edge" than is *typically* allowed (Held 1989:182). Therefore, beyond the usual negative or classical "First generation" rights, so called Second and Third generation rights need to be taken seriously.[7] This type of Bill of Rights would specify certain responsibilities of the state towards particular groups of citizens.

In the case of such a reformed Bill of Rights, the rule of law involves a central concern with distributional questions and matters of social justice. Anything less would in effect hinder the realization of the democratic rule. In this scheme of things, a right to equal justice would entail not only the responsibility of the state to ensure formal equality before the law, but also that citizens would have the actual capacity (the health and resources) to take advantages of the opportunities before them.

Such a constitution and Bill of Rights would radically enhance the ability of citizens to take action against the state in order to redress unreasonable encroachment on liberties. It would specify rights which could be fought for by individuals, groups and movements (wherever pressure could most effectively be mounted) and which could be tested in, among other places, open court (Held 1989:184). A couple of examples of these rights will be examined in more detail.

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7 First generation rights encompass civil liberties and legal rights and apply to everyone. These include freedom of property ownership, trade, contract, association, speech, the press, thought, movement, travel and worship, as well as equal citizenship and protection against torture, detention without trial, degrading treatment and unwarranted searches by police. They are called negative rights in that they restrict what the state may do. Second Generation rights are so-called social and welfare rights. These include the right to health, education, food, employment, housing, holiday, child care and recreation. They are called positive rights because they give people a positive claim on the government. To fulfill these rights the state is required to act. Third generation rights are also called peoples' rights, solidarity rights collective or group rights. These include the right to peace, development, social identity and a clean envionment (Caldwell 1992:135).

A right to reproductive freedom for women, for example, would entail making the state responsible not only for the medical and social facilities necessary to prevent or assist pregnancy, but also for providing the material conditions which would help make the choice to have a child a genuinely free one, and thereby ensure a critical condition for women if they are to be "free and equal" (Held 1989:183). Similarly, a right to economic resources for women and men, in order that they might be in a position to choose among possible courses of action, would oblige the state to be preoccupied with the ways in which wealth and income can be far more equitably redistributed than it presently is (Held 1989:183).

However, the emphasis placed on an expanded notion of rights in democratically reforming the state is subject to severe criticism. Two major criticisms levelled at this expanded notion of rights are briefly touched upon. Firstly, according to some, second and third generation rights are not rights at all. Rather they are viewed as a mixed bag of privileges, promises, wishes, goals, claims, rewards, and benefits on the one hand and punishment, promises, wishes and goals (Caldwell 1992:136). While first-generation rights are assumed to be based on certain immutable principles, in contrast, second and third generation rights have no such underlying principles. Rather than complementing first generation rights they serve to violate them, giving according to Caldwell (1992:137), an unjustifiable claim against other people's life, liberty and property.

Secondly, the logic of a Bill of Rights is such that it should be justiciable i.e. the rights it upholds should be able to be enforced by a court of law. Because second generation rights, such as the right to a job or the right to housing, are not practically enforceable under present economic conditions, these types of rights are believed to undermine this justiciable nature of the Bill of Rights (Du Plessis:1992).

Whilst arguing that this expanded notion of rights be taken seriously in order to tangibly expand democratic citizenship, I am not suggesting that they be formally written into a Bill of Rights. However, I do believe these rights need to be considered a policy priority, an ideal which governments should strive towards in order to make democratic rights more meaningful for citizens. Hence whilst legalistic difficulties dictate against the above rights being formally included as such in a Bill of Rights, they are still important policy issues and require close attention.

The conditions for civil society minimally require that all citizens are entitled to equal respect and participation in political affairs. In contemporary society (especially in South Africa) this can only be addressed through economic and social policies which seriously address inequalities in access to jobs, housing, health services and education as part of the economic and social rights of citizens. If these are not built into state policy, then many people will effectively continue to be deprived of full citizenship, even if they win political rights (Stadler 1992:34). Ideally, a vibrant and pluralist civil society requires a democratic political society and state committed to the principles of social justice, tempered with realism. To achieve this end, intervention into the economy may be justified.

Fourthly, in order to address economic disparities and generate equity, beyond the mobilization of social and economic rights, the democratically reformed state has a democratizing role to play when it comes to the degree of intervention in the economy. The question is not whether the state should intervene or not, for all states do. Rather the question is: When is it necessary to, through which institutions and for what ends? Also, how can it be done in a way that promotes growth and avoids destructive economic distortions?

A democratic state may well intervene in order to promote certain economic activities central to the survival of democracy or the attainment of specific goals. These include job creation, small business development or local self sufficiency in strategic areas (De Beer 1993:4). For this reason it must be a strong state because only strong authoritative states can effectively make the "productive" interventions in the economy necessary to generate the conditions for accumulation: Only strong states can supply the range of welfare goods and services required.

Where the goal is equity, the state is the appropriate body for the allocation of resources, infrastructural development and the delivery of social services (De Beer 1993:5) However, while some community structures may aid the state, this should not be used as an excuse for the state to avoid its responsibilities for ensuring an adequate standard of service delivery to all.

Finally, further reforms with regard to the state in order to realize the process of "double-democratization" involve turning state institutions of social policy into something more representative. This is possible if control of these institutions is reclaimed or "leased back" to the citizens who use and service them, hereby encouraging community participation in state-funded projects. From this

perspective the state would guarantee the resources and facilities for child-care, health clinics or schools, while leaving government of these organizations to self-determining local constituencies (Keane 1988a:20).

Therefore, although remaining publicly (i.e. state) funded, social policies would be regulated neither by capitalist markets nor by state bureaucracy. Instead they would be guided by a third more complex criterion: voluntary cooperation and social need generated by producers' and consumers' decisions which are legally underwritten and politically protected.

In a democratic state, structures of government represent the community. Where these structures are not representative for any particular reason, affirmative action as a measure to effect a transformation of the representativeness of institutions should be taken seriously. Unfortunately the focus of this thesis limits any further discussion of this topic.

In conclusion it can be said that state institutions reformed by the process of democratization are devices for enacting legislation, promulgating new policies, containing inevitable conflicts between particular interests within well-defined legal limits, and preventing civil society from falling victim to new forms of inequality and tyranny (Keane 1988a:15).

While it may be necessary for the state and its institutions to be democratically reformed, the expansion and transformation of civil society along democratic lines is simultaneously encouraged in the process of "double-democratization". It is argued that only a civil society committed to democratic ends, or at least whose organizations are relatively internally democratic, can play a role in sustaining and promoting democracy.

2.2.2 TRANSFORMING CIVIL SOCIETY

In order to extend democracy, not only the expansion of the sphere of freedom from the state, but also the removal of equally formidable networks of stumbling blocks in civil society itself, is required. Similar to the unreformed state, civil society's present structure leaves much to be desired. Civil society is definitely not coterminous with democratic society, nor necessarily a carrier of democratic values, for democratic values are in no way considered a *sin qua non* for civil society, but rather a desirable side effect (Atkinson: 1994).

Besides requiring a democratic political society and state committed to a democratic *modus operandi*, democracy also requires the construction of a vibrant, vigorous and pluralist civil society. Before civil society can play a role in promoting and sustaining a democratic dispensation - the focus of the concluding section - it has to itself be democratized. The following discussion focuses briefly on ways in which civil society can, bearing in mind the process of "double-democratization" be transformed.

The present structure of civil society which includes vast economic, sexual and racial inequalities, does not create conditions suitable for effective participation, proper political understanding and equal control of the political agenda, things which Dahl (1985) regards as essential for democracy (Held 1989:181). A good many organizations in civil society have as their goal not democracy, but some version of its opposite.

Such anti-democratic blocks include authoritarian, particularistic, clientist tendencies as well as structural and infrastructural deficiencies (Agbaje 1993:6). The existence of such powerful sets of social relations and organizations which can - by virtue of their very basis of operation - distort democratic processes and hence outcomes, is in effect incompatible with a democratic state and civil society. These must therefore be removed.

At issue here is the curtailment of the power of corporations to constrain and influence the political agenda, the restriction of the activities of powerful interest groups, for example trade-unions to pursue their own interests unchecked, and the erosion of the systematic privileges enjoyed by some social groups (for instance certain racial groups) at the expense of others (Held 1989:184).

If political change towards a more democratic order takes place and civil society remains the preserve of the influential, the wealthy and the powerful, an environment will exist in which civil society functions poorly, if at all. To the extent that the structures of civil society comprise elements that undermine the possibility of effective collective decision-making, they have to be progressively transformed. What does this entail?

The implications of "double-democratization" for civil society are far reaching. To begin with, Keane (1988a:14) claims that in order to effect the necessary democratization of civil society, the power not only of private capital and the state, but also of white, heterosexual, male citizens over (what remains of) civil

society would need to be curtailed. This, he believes could be effected through social struggles and public policy initiatives that enable citizens, acting together in sociable public spheres, to strive for equal power, and so maximize their capacity to play an active part in civil society .

Above it was mentioned that public policy initiatives could play a role in democratizing civil society. Through for example state support for child-care, civil society can be democratically expanded. These policy initiatives attempt to counter the socially regressive consequences of privatizing social policy and underwriting the model of the patriarchal family (Keane 1988a:19).[8]

Secondly, strategies which allow citizens greater control of their own projects must be followed, for they serve to break up old patterns of power in civil society hereby creating new circumstances. If individuals are to be free and equal in the determination of the conditions of their own existence, there must be an array of social spheres - for example cooperatively owned enterprises, independent communications media, health centres - which allow members control of the resources at their disposal without direct interference from the state (Held 1989:184).

The role which the state can play in democratizing civil society is to facilitate and encourage initiatives where communities, interest groups and organisations of civil society seek to enhance the quality of life of their members through various forms of self-initiated activity. Thus the democratization of civil society would involve autonomous and democratic control over a variety of social processes and institutions.

However, such moves towards reviving and democratizing civil society do not automatically secure more decentralized, horizontally structured egalitarian patterns of social life. They will surely be resented and resisted by the more powerful social classes, groups and organizations of existing civil society (Keane 1988a:22). For this reason a democratic civil society, which could degenerate into a battlefield of conflicting interests, in which the stronger - thanks to the existence of certain civil liberties - enjoy the liberty to twist the arms

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8 See Okin, S.M. (1990) for a feminist perspective on democratically reforming the family, regarded by some as a primary institution of civil society.

of the weaker, requires a legitimately elected parliamentary structure supported by a multi-party political arrangement committed to democratic ideals.

Whilst up to a point a strong civil society may enhance the chances for democracy, for this purpose it requires a strong state to avoid fragmenting power beyond the level required for effective policy-making or conflict management. A strong civil society completely free from state influence can overwhelm democracy with the diversity and magnitude of its competing demands. Thus a strong autonomous state is the necessary condition for resisting control by particular interests, preserving the integrity of political structures from corruption and patron-clientism, and curbing authoritarian and arbitrary government.

The above points to the conclusion that a democratic civil society can never go it alone. It requires state power to actively defend its independence. Democratization is neither the outright enemy nor the unconditional friend of state power. It requires the state to govern civil society neither too much nor too little: while a democratic order cannot be built through state power, it cannot be built without state power (Keane 1988a:23).

Reforming the state and its institutions, as well as transforming and expanding civil society in a democratic fashion, takes a determined effort on the part of ordinary citizens. They should believe that democracy is the most effective process of bridging the dilemma of requiring a limit on state power and intervention into private life (in effect upholding liberty), yet requesting that the state play an active role in the just distribution of resources (equality). Ways in which a strong democratic civil society can contribute to democracy is the focus of the concluding section of Chapter Two.

2.3 CIVIL SOCIETY IN RELATION TO DEMOCRACY

Organizations of civil society, if they meet up to specific criteria established in the previous sections of this chapter, may have a certain effect on promoting and sustaining democracy. In the following pages attention is focused on two ways in which civil society may effect democracy. Firstly, civil society can be *creative* in promoting democracy by educating and socializing citizens into a democratic *modus operandi*. And secondly, organizations of civil society in being a *critical* vigilant resistance to the state, can have the effect of ensuring that it remains accountable to its citizens, in this way sustaining democracy.

To begin with, as the previous section on transforming civil society aimed to stress, the goals and methods of groups in civil society must be compatible with the practice of democratic politics in order to play a role in sustaining democracy i.e. the degree of democracy in civil society itself, affects the degree to which it can socialize participants into democratic - or undemocratic - forms of behaviour.

The chances for stable democracy improve significantly if civil society is not dominated by maximilist, uncompromising interest groups, or groups with antidemocratic goals and methods. To the extent that these groups seek to displace the state or other competitors they do not qualify as constituent elements of civil society and by their very presence in society they may do much damage to the democratic forces within civil society (Diamond 1993:16). These undemocratic groups may for part of a different sort of civil society, however, that is not our focus here. Therefore, only organizations in civil society, whose goals and methods are compatible with the practice of democratic politics, form part of democratic civil society.

However, this position needs to be qualified. According to Walzer (1991:303), a democratic civil society is one controlled by its members, not through a single process of self-determination, but through a large number of different and uncoordinated processes which need not all be democratic. Civil society is believed to be sufficiently democratic when citizens recognize themselves as authoritative and responsible participants in at least some of its parts.

The point is made that whatever the explicit interests or goals of independent associations which make up civil society are, they will in some way contribute to democracy if, in their own affairs, they govern themselves with democratic procedures and respect. i.e. if in their internal actions the following democratic norms of participation, tolerance, cooperation, accountability, openness and trust, are promoted.

Any association which inculcates the above democratic norms can become a "large free school" for democracy, however a civil society that systematically denounces them, is not an ally of democracy, no matter how autonomous and vigorously organized it may be (Diamond 1989:15). Therefore, an important role which organizations of civil society may play is in socializing and schooling citizens in the praxis of democracy. In the following paragraphs, the notion of certain organizations in civil society being large schools for the participation in and exercise of democratic practice is explored.

2.3.1 A CREATIVE ROLE - SOCIALIZING CITIZENS

It was Tocqueville who, noting the symbiotic, mutually reinforcing relationship between participation in civil society and participation in political life, highlighted this educative role:

> "Civil associations facilitate political associations ... which may be considered as large free schools, where all the members of the community go to learn the general theory of association ... There they can converse, listen to one another, and are mutually stimulated to all sorts of undertakings. They afterwards transfer to civil life the notions they have thus acquired" (Tocqueville 1945:123-125).

Hence the rich associational life which civil society offers, serves to supplement the role of political parties in stimulating participation on the part of citizens. In the act of participation, citizens learn certain democratic skills which include tolerance for diversity and the respect and acceptance of a plurality of different opinions.

Diamond (1993:19) notes that the most democratically compatible civil society is dense with individuals called to participate in multiple associations and informal social networks. Multiple memberships tend to reflect and reinforce the cross-cutting nature of cleavages: individuals acknowledge a variety of interests which cannot be served as well by one all-encompassing organization as by two or more, so organizational capacity becomes specialized and individuals can meet and cooperate with people in one organization who in other contexts may be their opponents. Theoretically this should promote tolerance, moderation and linkages to other organizational interests, for individuals learn to participate in a variety of ways. Within organizations of civil society, people learn to tolerate diversity and plurality, for it is here, in a non-violent, legal way that citizens can express themselves and advance their particular interests.

While the plurality of civil society provides numerous possibilities for participation where citizens can learn certain skills, participation may be inhibited by economic security, which is the most important condition for responsible citizenship in the contemporary state.

The above opinion can be traced back to Aristotle, and more recently stressed by T.H. Marshall (1950), where only people who enjoy a reasonable degree of security can be relied on to act with the responsibility and civility required for citizenship and poor people cannot be expected to exercise political judgement.

They stress the point that while political liberalisation appears to be crucial to the further entrenchment of democratic and developmentalist tendencies in civil society, market-orientated reforms are needed to provide the material base for a sustainable democracy (Agbaje 1993:6).

By participating in the organizations of civil society, individuals gain an appreciation for the obligations as well as rights of democratic citizenship. Democratic citizens, unlike mere subjects who are excluded from political participation, are free to have their say and to cast their vote. By participating, citizens are bound by certain obligations, such as accepting the outcome of a democratic decision (Du Toit 1993:6). Civil society's stress on the rights as well as responsibilities of citizenship, provides a solid base on which a democratic society can be built.

There is however a real danger of seeing civil society as the new utopia, of reifying it as if it were some sort of super-human goal-directed consciousness (Atkinson: 1994). Whilst the discourse of civil society is one embodying the fervent hopes of sustaining democratic rule and all it has to offer, it should be remembered that its recent revival occurs in the context of disillusionment with the state as an entity for providing security. Civil society can be either enabling or coercive, depending on the way in which it is construed. Whilst this section argues for its enabling capacity, its other potential should not be blindly ignored.

Organizations of civil society thus "constitute a framework in which the praxis of democracy can be learnt and which can be mobilized to enhance the emergence of a democratic spirit in the broader population" (Nurnberger 1991:5). Institutions of civil society play a pedagogic role by exposing a wide variety of citizens with diverse interests to a democratic mode of action. Here far-reaching and innovative efforts are made to develop democratic values, habits, and practices amongst participants (Diamond 1993:13).

Democratic organizations can be seen as training centers for democratic skills and the requirements of democratic praxis. By giving citizens the opportunity to participate in democratic associations, they are educated in the various aspects, skills and capacities necessary as democratic citizens, to implement and sustain the democratic ideal. It is here, within these democratically organized institutions of civil society that citizens learn the value and nature of democracy, the importance of voting and being informed, to tolerate and respect the views of

others, the dynamics of reaching consensus within a group, and to cooperate in order to solve the problems of a community (Diamond 1989:10).

The stronger the pluralism in civil society, the more democracy benefits. Because it offers opportunities for participation at a variety of levels, a pluralistic civil society can stimulate the development of a democratic political culture and commitment, depending to some extent on its internal character and organization. Citizens become accustomed to the notion that different interests exist in society and acquire democratic "habits of the heart". A vital and distinctive feature of democracy is to provide opportunities for opposition and dissent, both in the process of decision-making and with regard to its outcome.

Within civil society, citizens acquire organizational skills that serve them well in political participation. An important internal feature of civil society is its level of organizational institutionalization. The point is that institutionalized interest groups contribute to the stability, predictability and governability of a democratic regime, thus such a civil society, with a long-range view, serve to foster democratic stability.

Organizations which make up civil society, can provide the skills and civilian expertise to contribute to projects aimed at sustaining democracy. Various branches of civil society can offer training in organizations and skills because there is an enormous skills shortage which makes the democratic process extremely difficult to develop and maintain. In addition to a democratic commitment within civil society, the development of civilian expertise in academic, labour, business and professional organizations can use their information and expertise to influence or oppose the decisions of government.

In conclusion: Associations in civil society encourage participatory orientations and political awareness and are important instruments for democratic socialization and renewal. Collectively they constitute a resource for the creation of an informed efficacious, and vigilant citizenry, and for the reconstruction - from the grassroots - of democratic political processes (Diamond 1993:18).

2.3.2 A CRITICAL ROLE - ETERNAL VIGILANCE

The above emphasis on a "vigilant citizenry" draws attention to the second important role which organizations of civil society can play, namely the critical role of resistance, ensuring that the state remains accountable towards its citizens. The involvement of a broad range of interest groups; churches,

students, professional bodies, civic associations, the judiciary, the media, can all by their vigilance, ensure that the process of democracy is not derailed (Barry 1993:10).

Quite often in the developing world, mobilization from civil society has contained the abuses or undermined the legitimacy and longevity of authoritarian regimes. Civil society can therefore perform a democratic function in resisting the domination of an authoritarian regime and hastening its exit from power. Taking up this point, liberal pluralist theorists of democracy have recognized the crucial importance of independent associations and media in providing "the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control" (Huntington 1984:204).

Thus in order to guarantee democracy, associations of a well organized and powerful civil society must remain vigilant to possible abuses of power by the state, with regard to civil and human rights, as well as the tendencies within the state to bureaucracy, centralisation, authoritarianism and too close an identification with the interests of the powerful and the wealthy (De Beer 1993:6).

The inherently diverse and plural nature of civil society and the presence of conflicting interest groups, play an important part in sustaining democracy by ensuring that the state is not captured by any one interest group. By promoting democratic competition, organizations which make up civil society are compelled to accommodate divergent interests. In order to survive this competition, they are forced to be creative in order to attract members to sustain their specific interests.

No democracy is possible when the institutions of civil society simply act as conveyor belts for the ruling party's ideology. Because of their independent and autonomous nature, the institutions which make up civil society represent a reservoir of political, economic, cultural and moral resources, not directly derived from the state, which can all play a role in defending democracy by checking and balancing the power of the state. In this way, civil society controls the state, ensuring that it remains accountable and responsive to the claims and concerns of its citizens (Diamond 1989:8).

The importance of the autonomous organizational capacity of civil society in order to sustain a democratic dispensation is the following. Diamond (1993:14)

warns that formations of civil society can only play roles such as opposing authoritarianism, balancing the power of state, and providing opportunities for democratic participation and socialization if civil society has some kind of autonomy from the state in terms of its financial or organizational base. Therefore, the autonomous base, upon which civil society necessarily rests, allows it to play the role of curbing the power of an authoritative state.

The point is stressed that where the state organizes all significant interest groups, contributes to their finances, and awards corporatist monopolies on the representation of individual sectors, civil society will lack the autonomy to take a critical stance toward the state or act independently of state control. In other words if civil society is to play a role as "watchdog" over the state, pressing it to be more accountable and acting as a bulwark against excessive power, an independent, autonomous base from the state, is required. In defining civil society earlier in this chapter, the relatively independent and autonomous role from the state was stressed.

A specific institution of civil society which is particularly effective in a "watchdog" capacity, is the independent media. The media, as an important institution of civil society can, through its informational capacity, play a resistance role by questioning the official ideology of the ruling party. An independent media ensures that no one controls "The Truth", and seeks to expose abuse and corruption which the state may engage in, in this way seeking to make it more accountable. This is one of the primary resistance techniques of human rights organizations who, by contradicting the official story, make it more difficult for the state to cover up repression and abuses of power (Diamond 1993:13).

Whilst noting that state institutions should become more accountable to the people affected by their decisions, it is in effect up to the separate powers of civil society to hold the state accountable. In this scheme of things, a multiplicity of social organizations, ranging from self-governed trade unions and enterprises, to refuges for battered women and independent communications media, must increase their powers in order to keep their political "representatives" under control. Keane (1988a:15) stresses that civil society should become a permanent thorn in the side of political power. Thus the critical, resistance, watchdog role of civil society can be summed up as an attempt to remain vigilant to the possible coercive or more subtle abuses of state and economic power which may serve to threaten democracy.

Before concluding this second chapter, a third and increasingly important role which organizations in civil society may be called upon to play, relates to their role in the democratization process as vehicles of reconstruction and development.

The variety of roles which institutions of civil society may play in the development process include acting as institutions for the "empowerment" of communities or particular constituencies i.e. channels for the expression of community interests, helping people "do things for themselves". Because of their direct links with a community, interest groups in civil society may act as efficient vehicles for direct participation in the political and decision-making process and structures through which people may be mobilised to participate in and contribute to the development process. Most importantly they would be involved in controlling substantial state resources for the development of local communities in a far more efficient and sensitive way than state bureaucracies would ever be able to.

2.4 CONCLUSION

The first part of this thesis made up by two chapters, served an important role in establishing a theoretical background to, and frame of reference for, the South African debate on civil society, the topic which sparked off my initial interest in writing this thesis.

In the first chapter, an attempt was made to establish a broad historical conceptual overview of the concept "civil society" and its relationship to the state. Although inevitably subjective, the selection of major theorists and their ideas on civil society and the state put forward, served the end of introducing themes which will be seen to run through the South African debate.

Justifiable criticism of the first chapter can be levelled to the extent that reference to original texts is limited and that certain major theorists including Habermas, Arendt and Offe's work on civil society is notably excluded. This is due to the author's general incompetence, more than anything else, to understand their work significantly to put forward a summary of ideas in the time and space available. Therefore, whilst there are many recognized shortcomings, it is hoped that this introductory chapter served its intended purpose of attempting to unravel the conceptual undergrowth which cloaks and clouds any understanding of the concept "civil society".

In the second chapter of this thesis, the study of civil society and its relationship to the state in democratic theory was looked at. The overall aim of this chapter, which attempted to point towards the ideal relationship between civil society and the state in a democratic arrangement, and how to establish this state of affairs, is I believe a useful exercise and a measure against which South African theorists ideas can be tested.

Therefore, in highlighting important themes such as: Balancing state power with individual autonomy, guaranteeing real equality as well as individual liberty, identifying ways in which civil society can enhance democracy - themes which run as underlying threads throughout this thesis - the stage as well as constraints have been set, for a comprehensive and informed discussion of the current lively debate taking place in South Africa on civil society, its relationship to the state and democracy.

CHAPTER 3
THE SOUTH AFRICAN DEBATE ON CIVIL SOCIETY

Having attempted to establish a theoretical backbone in the previous two chapters, the second part of this thesis has as its focus a more specific topic, namely the recently emergent "civil society" debate in South Africa[1] . A critical discussion of this debate is followed by a concluding chapter, pointing towards the still somewhat theoretically vague notion of a "civil" civil society. Why it becomes important to emphasize "civility" in relation to "civil society", emerges as soon as one focuses on South Africa.

However, to begin with, that a debate on "civil society" has emerged in contemporary South Africa, is not entirely unexpected bearing in mind the processes of liberalization and democratization that have recently been brought into play. Taking into account that the term "civil society" played a significant role in understanding the turn of events in previously authoritarian states such as those of Eastern Europe where "civil society" became a political slogan against Communist-Party dictatorships and a war-cry for democracy, it is notable that similarly, in Africa, as elsewhere in the developing and post-communist world, organized and articulate forces in "civil society" have come to play an important role in pressing for democratic transition.[2]

Therefore one can conclude that events elsewhere and specifically the re-emergence of the concept of "civil society" in explaining the processes of transition taking place in other parts of the world, have contributed to the growing interest in "civil society" in South Africa of the 1990's. Consequently, a reason most often cited for the recent focus on civil society in South Africa, refers to events in Eastern Europe, where "civil society" was identified by theorists as a

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1 Immediately it is important to note that the political situation in South Africa has changed so rapidly that existing texts on civil society do not always reflect the corresponding changes in the authors' thoughts. In the following discussion of the South African debate on civil society I have tried to accomodate the nuanced positions of especially Swilling and Friedman whom I had the chance to interview in March 1994.

2 For example in Poland, Lech Walesa's Solidarity movement described its campaign as a democratic struggle of civil society against the authoritarian state.

key phenomenon to explain successful resistance against an oppressive state, as well as the basis for democratization in these societies.

In order to draw any plausible parallels and conclusions about the role of "civil society" in the democratization processes of other countries in relation to South Africa, a credible examination of this thesis would require in-depth research into events in Eastern Europe and the way in which "civil society", its relationship to the state and its role in democratization, are perceived. Although some theorists[3] have traced similarities in South Africa's process of democratization to those of other countries (such as Poland and Hungary), this research falls beyond the scope of this thesis for the simple reason that it is does not aspire to a comparative analysis, but rather hopes to glean insight into the internal dynamics of the South African debate.

Because the state in democratic political theory and amongst activists in South Africa has understandably been perceived as the primary locus of power, democratic expectations in this country have tended to focus primarily, if not exclusively, on establishing popular control over the state. Therefore, before February 2nd 1990[4] most South African academics were primarily concerned with analysing the source and limits of the National Party government's power. For this reason Du Toit (1991:34) notes a conscious and coherent notion of "civil society" as a relevant alternative for democratization in South Africa, has yet to be adequately explored, articulated and developed.

The recent debate on civil society which has emerged moves some way towards realizing this end, for recently there has been an insistence that the state is not the be-all-and-end-all of democracy. Rather, focus should be on a strong, independent and vibrant civil society which is believed to be equally important for the quality of democracy available to people, especially in local communities (Shubane 1993:35). Therefore in South Africa where the prospect of an

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3 See the following texts for comparative research between events in Eastern Europe and South Africa in relation to "civil society" and the process of democratization: Adam, H. 1992, pp. 510-528; Boraine, A. 1992; Du Toit, A. 1990, pp. 1-4; Van Veuren, P. 1991, pp. 29-44.

4 President FW De Klerk's speech of 2nd February 1990 in which previously restricted organizations such as the ANC were unbanned, is widely seen as a turning point in recent South African history, marking the opening up of political and social space.

alternative government is becoming a reality, concern for the quality and nature of the future state has arisen.

Bearing in mind the interdependency of the relationship between civil society and the state, while deciding on the nature of the state, in effect the future of civil society is being debated (Atkinson 1992:xi-xii). Hence the possibility of change in South Africa has given rise to a lively debate on the role of civil society in constructing a post-apartheid democracy. An independent robust civil society is seen as a way to ensure and sustain responsive democracy in the post-apartheid era (Shubane 1992:33).

Friedman (1992:84) notes that the debate in South Africa on the needs and preconditions for a strong civil society, is stimulated by disillusionment with the role of the state as a guardian of freedom and equality. It reflects not only a rejection of state socialism but also of social democracy whose perceived reliance on an overweening and impersonal state to address inequalities, is seen to have deprived citizens of power and to have reached economic limits. Therefore, in South Africa, the focus amongst certain liberal thinkers is no longer on the transferral of state power as a means to democracy, nor purely on the free market, but rather on the significance of intermediate structures and processes as the most promising staging ground for a transition to democracy. According to Du Toit (1991:34) this is implicitly comparable to the "civil society" approach articulated in recent decades in Europe and elsewhere.

However, compared to Latin America and Eastern Europe, it is debatable whether South Africa does or does not have a strong earlier tradition of civil society to be (consciously) "resurrected" during transition from authoritarian rule to democracy. This depends on whether one recognizes organizations taking part in the struggle for democracy as groups forming part of civil society or not, a key question discussed in great detail later on in this chapter. Hence referring to the "resurrection of civil society" in South Africa, is problematic.[5]

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5 In their "tentative conclusions" O'Donnell and Schmitter (1986) recognized in transitions from authoritarianism, how important to the process was the "resurrection of civil society" the restructuring of public space, and the mobilization of all manner of independent groups and grassroots movements. However, their argument is inadequate to comprehend the democratic trend throughout the world for two reasons: 1) the image of civil society they present is one of *resurrection, resurgence, restructuring*, the return to open expression and activity of pre-existing structures. Missing is the process of

the inclusion of discussion of two recent interviews carried out with Friedman and Swilling respectively in 1994. Their varying responses to several questions asked of the texts, serve to highlight the diverse opinions of the three actors - differences which allow one to talk of a "civil society" debate at all.

Reasons for choosing the above texts are the following: 1) All the texts concern themselves with the civil society debate in South Africa (with particular reference to civic associations) 2) They represent a wide spectrum of theoretical positions ranging from Liberal (Friedman), to Democratic-Socialist (Swilling) to Gramscian-Marxist (Nzimande); 3) Finally, interactive critique amongst the three texts is present, which is particularly useful in order to highlight the differences of opinion prevalent in the debate.

However, before analyzing the content of these specific representative texts, a brief sketch of the context (i.e. the socio-historical environment) against which the debate on civic associations and civil society has emerged, is necessary in order to understand why this debate has emerged at all. Whilst this contextual sketch may be lacking in descriptive rigour, it serves a purpose in outlining the South African landscape in which the civil society debate has arisen.

3.1 CONTEXTUALISING THE DEBATE - CIVICS AND CIVIL SOCIETY

In South Africa, specific questions about the changing and future role of civic associations are seen to be bound up with a larger debate concerning the importance of civil society for democracy. Hence a brief background to the context in which this debate has emerged is sketched by concentrating on how the civics relate to civil society pre- and post-2nd February 1990.

3.1.1 PRE-2ND FEBRUARY 1990

Before 2nd February 1990, a date which signifies the opening up of political, legal and social space in South Africa, the majority of citizens had no way of legitimately expressing their political or other interests independently and without interference from the Apartheid state. The nature of the state was such that it controlled the private lives and decisions of citizens, so that "where we slept, made love, went to school, bought property, went to church, played sports etc." was politically managed (Van Zyl Slabbert 1990:8). This intervention also extended deep into the economy (Shubane 1992:39).

Civil society in this period was severely repressed. It was culturally silenced, politically weakened and economically impoverished. However, this did not mean that it ceased to exist altogether. Rather, a certain form of civil society/organized life continued to exist in a variety of forms, operating within the illegitimate state structures.

The nature of the pre-February 2nd 1990 South African state, characterised by the absence of democratic procedures in political society (such as exclusion from the franchise as well as the banning of national movements) forced sectors of "civil society" to constitute themselves politically. Organs of black civil society, such as the civic associations, were forced to step in and perform a political function.[6]

Originally civics grew out of the anti-apartheid struggle in order to accommodate the specific conditions and needs of local black communities not provided for by the state. As community organizations, their primary objective involved the improvement of community services (such as rent, electricity, roads etc) for all. Supposedly regardless of political affiliation, their aim was to mediate the competing interests of organizations in civil society by virtue of being able to organize across the political spectrum. In short a civic, whilst remaining free from state control and autonomous from political organizations, embodied different, competing interests.

However, from supposedly impartial, non-political organizations of interest, the nature and role of the civics changed significantly in the early 1980's when the government enforced a racially-based system of local government in black townships. Owing to this change "civil society" was forced to adjust its nature in response. Hence the role of the civics changed from organizations of interest, addressing day to day community issues, to the politicised role of fighting the illegitimate, unrepresentative constitutional structures which the Black Local Authorities represented.

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6 In the South African case, because racial criteria define the disenfranchised sector, this has in turn resulted in a racially divided civil society. On the one hand, there is the white group that constitutes a minority in civil society, but nevertheless monopolizes democratic representation in political society. On the other hand because black civil society is disenfranchized and because this has been complemented by economic exploitation and marginalization, black civil society is not dependent for its existence on state power, economic power or institutions located in political society. Its centre of gravity is the complex and deeply rooted social movements in civil society (Swilling 1991:90).

The revision of civics from organizations of interest (in civil society) to political agents (of the liberation movement), was a key feature in the resistance strategy which sought the overthrow of the Apartheid state. This resistance role of civics included mobilizing the community against the Black Local Authorities (hereby weakening the state at local level), articulating grievances of the community against Apartheid, as well as raising the political awareness of the township population by making people aware of their situation (Shubane 1992:5).

Besides constituting themselves politically, another event which contributed to the change in the role of the civics from non-partisan organizations of interest, to political agents concerned with the overthrow of the state, was the launch of the United Democratic Front (UDF) in 1983. With the establishment of the UDF, opposition to the state assumed a more organized form.

As flagship of the Liberation movement, the UDF consisted of about six hundred affiliated organizations including civics, trade unions, youth organizations, student movements, women's groups, religious groups and other organizations. Initially formed around specific social interests, these groups had as their common short term political goal, the overthrow of the Apartheid state and the establishment of a non-racist, non-sexist, democratic government.

Formed in order to fill the vacuum created by the repression of political organizations, groups making up the UDF, with civics in the forefront, led the struggle against the racially based local authorities with an added vigour. Black civil society was therefore dominated by the liberation struggle which identified its aim as overthrowing the Apartheid state and replaceing it with a non-racist, non-sexist democracy.

3.1.2 POST-2ND FEBRUARY 1990

The announcement and subsequent implications of February 2nd 1990, left no room for the UDF, which in the 1980's had drawn together affiliated organizations with both national, political and socioeconomic concerns. i.e. the changes in political circumstance in South Africa led to a restructuring of the extra-parliamentary opposition which resulted in the eventual disbanding of the UDF in August 1991. This event had several implications for the civic associations, which once again faced with a changed political context, needed to reidentify their role.

Changes in the broader political environment forced a general rethink within the civic movement. This rethink concerns itself mainly with a continued existence beyond Apartheid. It is by no means certain that the civics in their present guise, formed under certain socio-political conditions, will successfully weather the transition to a post-apartheid society. In one sense it is argued that the elimination of Apartheid would deprive the civics of their original *raison d'etre*. However, if identified as organizations within civil rather than political society, civics may in several ways promote democracy in South Africa.[7]

This rethink on the changing and future role of the civics is bound up with a larger debate in South Africa of the mid-1990's concerning the importance of "civil society" for democracy. This ongoing debate in South Africa has to do with the role of civic organizations during the transition to and after a democratic non-racial government is in power. The debate appears to be crystallizing to the point where broad agreement is being reached that civics do need to continue operating in a post-apartheid South Africa. However, dispute exists over the role which they will perform.

The debate on the role of civics revolves around the key issue of whether civics are adjuncts of a specific political party/group (Friedman's contention) or are independent social movements (as Swilling believes). This is related to the important question: Are civics representative of civil society or not? The way in which this question is answered, naturally depends on the definition of civil society one chooses to use. Deciding whether civics do or do not form part of civil society has obvious implications for the role which one perceives these organizations as playing in relation to democracy.

Summed up, the debate on the civics and civil society centres around the nature and respective role of the civics. In the debate they are broadly viewed as either part of the liberation movement concerned with wresting power from the state and seeking a future role in local government. To this extent they form part of political rather than civil society. Or, if perceived as genuinely independent manifestations of grassroots interests, civics are viewed as important formations in civil society representing the specific concerns of their constituency addressing 1) development needs and 2) acting as "watch-dog" groups to

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7 The formation of SANCO, South African National Civics Organization in the early 1990s has important implications for the role which civics assume.

ensure that the elected remain accountable to their constituency. While the first variant of civics seems to see them performing functions usually associated with local government, the second view of civics as part of civil society sees them as private associations seeking to represent the concerns of citizens in their dealings with the government (Shubane 1992:6).

In the following pages, the important debate on civics, their relation to the liberation movement, civil society, state and democracy in South Africa, will be examined by looking at the diverse range of opinions on the above issues as expressed by Friedman (1991, 1992, 1994), Swilling (1991, 1992, 1994), and Nzimande *et al* (1991, 1992).

3.2 THE DEBATE - CIVIL SOCIETY, CIVICS AND DEMOCRACY

The recent intense debate on civics, civil society and democracy in South Africa, involves a complex range of issues. At one level the debate concerns itself with the proper relation of "civil society" to the state in democratic theory. At another level there are those (such as Swilling) who contend that a strtong civil society in which civics are principal agents already exists in this country and others (such as Friedman) who would qualify this conclusion.

In order to highlight (explicit as well as implicit) differences in the respective positions of the three authors, several questions, followed by an interactive critique, are used to guide our reading of the texts.

The following three questions are put to Friedman, Swilling and Nzimande: 1) What content do they attach to the term "civil society?" i.e. How do they define the term as well as the conditions and preconditions required if one is to talk about "civil society" (in South Africa) 2) What is the nature of "civil society's" relationship to the state? Linked to this, what do calls for an "independent civil society" mean? 3) How do they perceive the relationship between civics, "civil society" and democracy? i.e. Do civics form part of civil society and if so, what role do the authors perceive them to play in the future?

3.2.1 WHAT CONTENT IS ATTACHED TO CIVIL SOCIETY?

3.2.1.1 FRIEDMAN

To begin with, Friedman (1992:83) asserts that whilst definitions of "civil society" may differ from liberals such as Shils (1991) who define it as "a part of society which is distinctly different from the state," to Marxists such as Gramsci (1971)

where "civil society" is "the ensemble of organisms commonly called private", agreement exists on the following: that civil society describes the web of private institutions formed by voluntary association which are guaranteed the right to organise, mobilise and influence decisions, free of state control. Independent and diverse organizations are the essence of a *strong* civil society (Friedman 1992:94, my italics).

There are several conditions Friedman requires before one can speak of a strong civil society. Heavily influenced by Keane (1988) these include 1) a strong democratic state, 2) proven representativeness of groups claiming like civic associations to be part of civil society and 3) a diversity of interest group representation.

In relation to the first condition, Friedman notes that because for democrats the goal is a democratic state and a democratic civil society, the latter cannot be strong, pluralist, democratic or free until the state is that too. Similar to Keane, Friedman claims that democratization of the state (i.e the extension of citizenship participation and representation in political processes and collective choices) is a precondition for the freedom, (note, not the existence) of civil society. By implication a "civil society" as Friedman understands it - strong, free, pluralist and democratic - only exists once a democratic state is in place. By taking this position Friedman is not claiming that civil society does not exist, but rather that South Africa's civil society pre-democratic elections, is weak and troubled.

The point is that civil society can exist without a democratic state, but it can lead to biased policy outcomes because of special interests, for example the politically active sector, being particularly mobilised and attempting to represent the whole of civil society. Friedman believes the role of a universally elected state would be to counterbalance these special interests in an important way.

Concerning the second and third preconditions - namely representativeness and diversity - Friedman argues that because interest organization outside the work place remains weak, and pressure to identify with symbolic camps obstructs the emergence of the range of independent and diverse organisations, which are the essence of a strong civil society, in a context (such as South Africa) in which many people are unable to organize independently or effectively to defend their interests, the fundamentals for a strong and representative civil society do not yet exist.

According to Friedman (1992:94) to assume that elements of a strong civil society are in place is in effect to obstruct its emergence. The attempt to absorb opponents into a single organisation, rather than recognising their right to form rivals, may seek to deny the diversity which prompts the different interests, values and positions to organize in civil society. Its effect may again be not to strengthen civil society, but to absorb it into a hegemonic colonising front (Friedman 1992:90).

Friedman argues that if part of civil society (i.e. organizations making up the liberation movement) is assumed to be the whole (of civil society), this is a distorted view for: 1) It assumes that the institutions needed to defend a strong civil society already exist and 2) that the path to a stronger civil society lies simply in strengthening these organizations. Therefore, because in his opinion none of the above three conditions for "civil society" are sufficiently present, Friedman concludes that in South Africa today, the "fundamentals of a strong civil society are nowhere in place."[8] Swilling disputes this position.

3.2.1.2 SWILLING

According to Swilling (1991:21) "civil society" has emerged as the codeword for "the associational life of a society that exists somewhere between the individual actions of each person (what some might call the "private realm") and the organisations and institutions constituted by the state" (or "public realm").

Whilst some are of the view that civil society should include the profit-driven, shareholder-owned, industrial-commercial sector (Friedman), similar to Gramsci, Swilling uses a three-fold distinction. "Civil society" is defined as a sphere separate from both the state and the economy - a "voluntary, non-profit sector" (Atkinson 1992:11). Here everyday life is experienced, discussed, comprehended and reproduced. It is where hegemony is built and contested (Swilling 1992:78).

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8 In an interview in March 1994 Friedman modifies this position to some extent "I see evidence that we have a stronger civil society than I thought we did. The evidence for this I have seen in the whole of transition. This process would have been unable to continue without the auxillary parallel processes of for example the National Economic and Housing forums. Whatever politicians may say, these institutions have been far more influential than first thought."

For Swilling (1992:78) a truly "civil society" is one where the ordinary everyday citizens who do not control the levers of political and economic power, have access to locally-constituted and voluntary associations that have the capacity, the know-how and resources to influence and even determine the structure of power and the allocation of material resources. Swilling is strongly influenced by the ideas of popular participation in planning and decision-making, an idea supported by many in South Africa. There are however, certain problems with this position such as the inevitable difference of individuals or groups in gaining access to information, knowledge, experience or motivation. Hence it may easily be easier for some rather than for others to participate although Swilling believes all should be equally allowed to.

Instead of being dominated by private capital and state-controlled agencies, "civil society" in many societies is structured around social movements and development agencies, which mobilise collectivities and communities around immediate local interests (Swilling 1992:79). "Civil society" is an essentially robust, locally constituted voluntary sector.

Swilling (1994) admits he made a mistake in equating civic associations or social movements with civil society: "I agree with the arguments that civil society is a nasty and messy abode largely dominated by rather uncivil practices. But within it there are democratic formations which can be strengthened, and the strengthening of democratic formations contributes to the democratization of civil society. Obviously there are all sorts of other things in civil society including business, but I think what distinguishes the civil society formations[9] as those kind of organizations that one could classify as NGOs, CBOs and CBDOs.[10]

Swilling (1994) believes the above organizations, part of a burgeoning global sector, are bound by a common value commitment to a particular set of social relations including democracy, gender, race. These values are different to the

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9 "I've stopped using the term "civil society" which I often referred to incorrectly, if euphamistically, other than when I'm referring to it at a very high level of abstraction. I like to talk about specifics, a more empirical reality." (Swillling 1994).

10 Non-governmental organizations, Community based organizations, Community based development organizations.

profit components of civil society or other unpalatable parts like racist, reactionary conservative movements.

Swilling classifies the key organizations of "civil society" under six broad sectors: labour, business, youth, women, religious and civic associations. There are several conditions Swilling (1991:88-89; 1992:79) identifies which must be met and strengthened in order for civil society to continue its existence i.e. Civil society must be dominated by institutions and organizations that have the following characteristics in common:

These organizations must 1) on the whole not be constituted by the state/ extensions of the state nor be dependent on the state for their material survival. While they may have alliances with political parties, they should not be instruments of these parties; 2) be independent from large-scale capitalist interests; 3) have the organizational, infra-structural capacity and skills to articulate and represent in every possible way, the interests of their members; 4) be able to enter into bargaining relationships with other interests i.e. have the capacity to negotiate and be horizontally linked to other groups; 5) have the ability to govern their members.

In terms of the above conditions in relation to South Africa, Swilling insists that "the foundations for a well organized, innovative and committed and decentralised civil society are already in place." He believes present day South Africa is endowed with a robust civil society which must be defended and preserved to ensure a democratic outcome. He argues that South Africa is a very "organized" country in the sense that a myriad of organizations exist, representing every conceivable interest of communities.

This is a debatable position. Accordingly the numerous grassroots organizations which arose in the 1970's and 1980's to oppose, and sought as their objective to wrest power from the Apartheid state (i.e. organizations of the UDF or Liberation Movement) are identified as crucial formations in "civil society". However, I would be wary of simply classifying organizations which formed part of the liberation movement for a variety of reasons to be discussed later in this chaper.

3.2.1.3 NZIMANDE ET AL

To Nzimande (1992:38), "civil society" following a Marxist line, is identified as "essentially an abstraction born of bourgeois society, which is falsely conceptualised as an autonomous sphere in which people pursue their own inte-

rests". It follows therefore, that in their struggle for hegemony of the working class and a socialist state, the ultimate idea is the death of "civil society"

Prior to February 2nd 1990 in South Africa, Nzimande (1992:50) notes that there was a close identification of civic with political issues. The conception of "organs of people's power" expresses this unity of political and civic struggles in the era of the national democratic revolution. However, post February 2nd talk of separating civic and political issues, as a means of increasing the political spaces for the respective civic and political formations defined as "organs of civil society", without addressing the question of organs of people's power, is seen to strip the struggle of its revolutionary content.

Nzimande (1992:50) therefore expresses concern about the possible premature and ahistorical separation of civic issues from political issues, a process which may weaken the national democratic revolution. The fear is that the shift away from developing an understanding of "organs of people's power" and the new post-February 2nd 1990 vocabulary (organs of civil society; an autonomous and vibrant civil society) is not merely a change in concepts. It is perhaps a dangerous shift away from the perspective of a national democratic revolution to that of a bourgeois democracy (Nzimande 1992:51).

The above fear stems from a belief that only the "organs of people's power" are capable of practically bridging the dichotomy of civil society and the state, and laying the basis for a longer-term transition to socialism. Accordingly the legitimate aspects of civil society (i.e. the "organs of people's power) must be absorbed by an omnipotent democratic state committed to addressing the needs of the people.

3.2.1.4 POINTS TO CONSIDER

It is clear that the definition one has of civil society and the organizations which constitute this sphere, determines one's opinion regarding the absence or presence of "civil society" in South Africa. The existence or otherwise of a civil society among the disenfranchised communities in South African society is as a Shubane (1992:35) notes a "moot point".

The specific way in which Friedman defines "civil society" and establishes criteria for its presence, excludes it from being present in South Africa pre-election, for Friedman's "civil society" as such, relies in the first place on the presence of a democratic state. On the other hand, Swilling's position,

concluding that the organizations and social movements which made up the Liberation movement are indicative of the presence of a strong civil society in South Africa, is somewhat controversial. This is shown in the critique which points to the fact that Swilling mistakenly identifies social movements with civil society, in this way making himself vulnerable to Friedman's criticism that he confuses the part with the whole.

Nzimande's definition of civil society "as a bourgeois abstraction", although useful in its criticism of capitalist civil society, falls victim to the totalitarian consequences of all such theories which do not draw a clear distinction between the political and social realm.

Responses to the initial question asked of all three texts, i.e. the content attached to "civil society" importantly affects their understanding of the relationship between "civil society" and the state. In examining this question, the fact that this relationship will inevitably be perceived differently by the authors in different political contexts (eg. pre- and post-February 2nd 1990), is taken into account.

3.2.2 WHAT IS THE RELATIONSHIP BETWEEN CIVIL SOCIETY AND THE STATE?

Having acknowledged that the South African debate on civil society is taking place within a specific context of transition (as is this thtesis) which obviously affects the content attached to terms such as "civil society" and "state", the following pages seek to address how Friedman, Swilling and Nzimande perceive this complex and important relationship, which is central to the debate.

3.2.2.1 FRIEDMAN

According to Friedman (1992:83), to argue for civil society's independence from the state, is to argue for the freedom to associate and speak, as well as for the right of the organized citizenry to influence and check the power of the government. A strong supporter of civil society independent from the state, Friedman is concerned that general consensus and support coming from the resistance camp for a post-Apartheid civil society independent from the state, may in fact be preparing the way for civil society's subjugation in a new guise (Friedman 1992:84). The root of his skepticism soon becomes clear.

Friedman notes that insistence on an "independent civil society" seems to indicate a break with resistance rhetoric, which often submerged or denied the

wide range of different interests and values among the voteless and within society as a whole. For example in the past, which present rhetoric reflects, society was broadly divided into the "oppressed" and "oppressor" with the resistance movement claiming to speak on behalf of the "people".

Therefore, support for an independent civil society seems to indicate a definite break from Marxist theory in the following way: In contrast to populist nationalism which purports to defend the undifferentiated "will of the people", the notion of an independent civil society implies there is no general will but many particular ones, whose right to associate must be recognised and protected by the state (Friedman 1991:6). Concern for civil society therefore recognises that "the people" is composed of a variety of groups with differing interests and values who require the right to organise and speak independently of the state, even if the state is benign (Friedman 1992:84).[11]

"Civil society rhetoric" as Friedman calls it, seems to question another assumption of mass democracy, namely that control of the state by the "people's" movement automatically entails development for the people. It recognises that there are limits to what the state can deliver to the people - and that "people" are not an undifferentiated whole. If civil society requires independence from the state, it does so surely because that state, even if it is controlled by the "people's movement" cannot represent all the interests of its followers. In principle it demands acceptance of the diversity and pluralism whose recognition is crucial to liberal or social democracy (Friedman 1992:84).

The above observations bring Friedman (1991:5) to pose the following question: "Are yesterday's populists and socialists today's liberals and libertarians?" According to him, calls for an independent civil society seem to suggest that now the struggle is no longer to win state power as in the past, but to limit it. This means that the focus is no longer on the transfer of state power, but rather on a range of intermediate processes and institutions where communities and organizations might be democratically empowered against the power of the state.

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11 It follows, that once the liberation movement, which claims to represent civil society, seizes control of the state, so do "the people". From this Friedman warns it is a short step to claim that those who oppose the movement, or the state it controls (i.e. elements making up independent civil society), in fact oppose "the people".

Calls for an independent civil society have according to Friedman, been stimulated by events since 2nd February 1990, which have forced a reassessment in the Charterist camp. Tensions within it - believed to involve differences in leadership style between internal activists and returned exiles - have illustrated that it cannot, as in the past, be seen as a unified, organic whole.

Fears raised by activists causing this internal tension include: 1) that a post-Apartheid state will make compromises with established interests which will serve to dilute the power of the popular movement in that state and 2) that a settlement between movement leaders and the present state will exclude many people. Hence there is concern amongst social movement activists that their leadership is negotiating an elite compromise over their heads which will deny power to the "grassroots". Swilling (1990) argues that the post-settlement state will reflect a "historic compromise" which will limit its capacity to initiate development.

In this context, a "civil society" is needed to carry on the battle that the state will partly be prevented from waging. Therefore, the need arises to continue building "people's power", but in "civil society" rather than the state. This has prompted a new role for the movements active in civil society: to carry on the battle the state will be prevented from waging (Friedman 1991:9). The root of Friedman's concern therefore lies in the fact that in this context, demands for an "independent civil society" may amount to little more than an attempt to defend a role for a part of the congress tradition (such as activists which made up the UDF) which fear exclusion in the future (Friedman 1991:11).

Two points flow from this: 1) that the diversity and independence which resistance civil society recognises, may not be that of society as a whole, but of the movement (a part) i.e. it is not a demand for the independence of all interests within society, but only for all those within the movement and 2) it may reflect not a retreat from the belief that the movement can transform civil society on behalf of the "people", but an attempt to pursue it by other means.

In other words, this South African version of the Gramscian programme may not seek to establish leadership over civil society in competition with other organisations and interests, but to take them over i.e to establish the "hegemony" which cannot be won by control of the state (Friedman 1992:86). "Independent civil society", understood here, is limited to a narrow set of institutions and implies an attempt to take over or colonise institutions outside of the state in

order to establish hegemony (Friedman 1991:8). Therefore, "deepening civil society" may not mean an attempt to strengthen its diversity and independence, but rather its uniformity and commitment to a single world view - one which may control the state from which civil society seeks independence (Friedman 1992:88).

Thus the rationale for Friedman's concern and wariness regarding calls for an "independent civil society" is seen to stem from the hegemonic heritage he identifies in the Charterist tradition. The mass action of the 1980's, which enabled the democratic forces to entrench the hegemony of the ANC/UDF alliance in the townships and to weaken the state more decisively than state action, is an example of this.[12]

While Friedman (1992:87-88) notes that it was legitimate and made political sense to mobilise within civil society as part of the UDF's attempt to achieve state power, it is equally legitimate to ask whether, if and when that goal is achieved, its adjuncts in civil society are likely to check, or reinforce, the state power they have fought to win. Since one part of the movement may control the state and the other will speak for civil society, it may be appropriate to see the "independent civil society" currently on offer as a hegemonic power annexing civil society on behalf of the movement, not as a guarantee of its independence.

Friedman notes how the ANC has sought to win over churches, professional groups, cultural and sports groups, which while a legitimate political strategy, the objective is clearly not to encourage the independence of these interests, but precisely the opposite. In fact, if any of the independent black groups merged with the ANC, it might help unify black opinion for negotiations with the government, but it could be a significant error of principle as well as strategy.[13]

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12 According to Von Holdt (1990), who writes of how the country was made "ungovernable" because of the success of campaigns to control civil society through strikes, boycotts, demonstrations and marches, the route to power lies in establishing a broad multi-class liberation alliance under the hegemony of the ANC and extending its influence into many spheres such as sport, culture and education.

13 The editorial of **Business Day** (1993:30/3) is worth quoting in this regard:"The most disturbing feature of the patriotic front conference to form an electoral alliance under the banner of the ANC, was the range of non-party political groups - the organs of civil society - which were willing to align themselves with the ANC...They have hereby ignored their duty to be non-partisan. And the ANC for the expedient, short term electoral gain, must bear

To sum up: Friedman questions the motives behind calls for an independent civil society, believing that, haunted by a hegemonic heritage, these may be dangerous calls for a part of civil society to colonise the whole. Friedman warns that decentralization of power may result in an undemocratic "people's state" splitting into two halves, the state and civil society - both which are vehicles of the same political tradition. This would maybe serve the decentralization of power, but not democracy. The shift towards an independent civil society may not be as total as it seems nor as democratic as the rhetoric suggests, for regardless of their motives, the advocates of civil society in the resistance camp, may be preparing the way for its subjugation in a new guise (Friedman 1992:84).

For true democracy to exist, Friedman argues, pluralism must defend a diversity of interests within civil society, and also between civil society and the state, with the state as representative of any interest or will of the individuals it encompasses (Friedman 1991:10). Only such a relationship between civil society and the state could facilitate a true democratic dispensation. Thus he argues it is not possible to visualize a true pluralistic democracy without a strong civil society, for the democratic state is not a sufficient condition for democracy, it guarantees the universal right to pursue interests, but not the capacity to do so. Only a strong civil society under a pluralist democracy can do so (Friedman 1991:17).

3.2.2.2 SWILLING

Important for an understanding of Swilling's position on the relationship between civil society and the state, is first of all, a consideration of his views on the relations co-exisiting between black civil society, white state and political society. These views which relate significantly to the pre-2nd February period are briefly dealt with.

Because of disenfranchisement complemented by economic exploitation and marginalization, black civil society is seen to be not dependent for its existence on state power, economic power or institutions located in political society. Rather, its centre of gravity, according to Swilling (1991:90) is the complex and deeply rooted social movements in civil society.

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the responsibility for orchestrating this attack on the quest for a free pluralist society.

Since political society is seen as a set of institutions directly controlled by the white state and as such is perceived as legitimizing white domination serving to operationalize a racially exclusive society, participation in the realm of political society is considered tantamount to consenting to the role of the state in the oppression of black civil society (Swilling 1991:100). Thus at the most fundamental level, all political organizations concerned with the democratic struggle, conceptualize their political role in terms of a direct struggle between the state and civil society, unmediated by the institutions of political society.

This raises the following question: How do the disenfranchised and marginalized sectors in civil society act (politically) to change the organizations of state power? Swilling's answer is that political action is usually achieved through social movements and mass organization constituted at the level of civil society - i.e. social movements in civil society are forced to constitute themselves politically in order to effect a certain end. These social movements, which must be seen as distinct from formal political organizations, penetrate political society through "operators" and so generate effects that can, under certain circumstances, force the state to meet the challenges in civil society. These in turn, can alter the terms of the contest between the state and civil society (Swilling 1991:90).

The power mobilized by social movements at the level of civil society, acts in order to: 1) demand access to political society by, for example, disrupting the way it operates and/or; 2) build up a power base in order to force the state to negotiate directly with the formations in civil society; 3) make unworkable the state's task of governing and/or; 4) create an alternative power base capable in the long run of building up a revolutionary movement capable of eventually destroying the state (Swilling 1991:90). Additionally, by following a strategy of non-violent non-participation, these social movements avoid participating in the oppression of black civil society and succeed at the most in isolating the state from civil society (Swilling 1991:105).

An important consideration to note is that the fundamental difference between political participation under Apartheid and political participation in a post-Apartheid political system, is that in the latter system the state will be legitimate. This has the consequence that civil society is able to revert back to its traditional non-political role. Swilling however fears that the creation of a legitimate state will transform the black political sub-system in a way that may pose fundamental problems for the continued survival of civil society (1991:107). Why he says this

becomes clear if one examines the nature of organizations which constitute black civil society.

Two points problematic for the emergence of an "independent civil society" are briefly examined: 1) the political nature of these organizations and 2) their lack of a tradition of autonomy. Firstly, Swilling notes that if community organizations which make up black civil society have reflected at all on their possible role in a post-Apartheid South Africa, this role has been seen in terms of assuming a role in local government i.e. as part of political rather than civil society.[14] Although some political parties have argued for the independence of civil society, this view remains limited and has not been conceptually or programmatically elaborated (Swilling 1991:108). For the record, Swilling (1992:97) states that the ANC has formally yet to adopt the notion of an "independent civil society" and that there is plenty of evidence that many of its branches actively oppose the notion in theory and practice.

Secondly, as a result of the nature of the Apartheid political system which they have had to confront, community organisations making up black civil society lack a tradition of autonomy (a fundamental criteria of organizations which make up civil society). Although rooted in localities and built on autonomous support developed on the basis of fighting for improved conditions, they have had to link their struggles with a general opposition to Apartheid. This has turned them into political vehicles concerned with transformation of the political environment (Swilling 1991:108). This lack of a tradition of autonomy has precluded these organizations from viewing themselves as future civil society formations, independent from the state.

Swilling argues that the social movements and the interests in civil society which they express and support, should retain their independence and remain organized and mobilized, in this way continuing to challenge statism if and when it occurs. In this way a sound foundation for the protection of democratic practices will be preserved and hence the chances of creating a democratic order will be greatly enhanced (Swilling 1991:109).

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14 See Nzimande and Sikhosana's article, "Civics as part of the National Democratic Revolution" (1990).

"Independence" for Swilling is not necessary for its own sake, rather it is a means to achieving, amongst other things, a democracy, by creating checks and balances. Swilling argues that civil society needs to be independent and autonomous from the state in order to play a "watchdog" role over the state, for it is believed that the most effective way of curbing bureaucratic power is when it can be checked by power in civil society. However, the likelihood of this is not axiomatic because power in civil society is not intrinsic, but will be heavily dependent on how the future legitimate state chooses to intervene in society (Swilling 1991:109).

An independent civil society is also regarded as necessary by Swilling in relation to the whole question of development.[15]Swilling proposes that the organized, deeply rooted social movements in civil society that emerged in response to the racial statism of apartheid, should not be allowed to wither and die when political society is deracialized and a legitimate state created (Swilling 1991:109). Rather, in a post-Apartheid political system, social movements must be encouraged and given resources to organize people independently from the political parties. These workplace and community-based movements should not be accountable to the political process or private economic interests, but their focus should be on the economic, cultural and organizational development of the communities and working people who control them (Swilling 1991:109).

The Community Based Organization (CBO) support programme of KAGISO Trust, which Swilling is currently involved in believes that development cannot be driven by a future democratic state working on its own, but rather must be "the joint effort between state, development agencies, business and communities". It has an overall goal, "to support and help sustain CBOs that are committed to strengthening and democratising civil society, and to ensuring the primary development needs of marginalised communities are met in a way that accords with the values and interests of these communities" (1994). KAGISO Trust is still committed to supporting local civic structures if these civics accord with certain principles of the programme.

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15 A brief definition: Development is the process by which economic growth lifts large numbers of people from great poverty to a level of relatively decent material life. We can speak of development when increasingly large numbers of people experience a dramatic upturn in their own or in their children's standards of living (Berger 1992:4).

Swilling (1994) explains that "the notion of 'strengthening and democratizing civil society implies that it is not particularly strengthened or democratized'. There are a multiplicity of interests, however, there is a particular sector which you want to support." This latter statement points to the major differences between Swilling and Friedman's approach.

3.2.2.3 NZIMANDE

Following a Marxist line, Nzimande disagree with any attempt to see civil society as independent or separate from the state. An argument for civil society independent from the state cannot be sustained as it obscures the fundamental role of the state in bringing about democracy (1992:38).

To argue for civil society independent from the state is viewed as a distortion of Marxism, the strength of which is hailed by Nzimande et al (1992:48) as having exposed the fact that the state in capitalist formations is the political expression of the relations in civil society. Hence the separation between civil society and the state is perceived as largely an ideological one that hides the true character and source of exploitation and oppression in capitalist social formations.

Accordingly, to argue for the development of an independent autonomous civil society falls into the same mould of the separation of civil society and the state under capitalism. Instead, finding theoretical justification in Lenin, the plea for "organs of state power" which are part of the state as well as autonomous mass social formations is made in order to realize their socialist state (Nzimande 1992:46). This relationship between the state and "organs of civil society" is not seen as dichotomous, but rather as dialectical (Nzimande et al 1992:47). Their argument has the consequence that organizations of civil society are not seen to have a future role as independent from the state, but rather in terms of assuming a role in local government.

3.2.2.4 POINTS TO CONSIDER

The main point to emerge from a consideration of the responses of all three authors to the second question regarding the relationship between civil society and the state is the intimate connection between the content they attach to the term "civil society" and its subsequent relationship to the state.

For example, Friedman's scepticism regarding calls from the resistance camp for a civil society independent from the state, relate directly to his lack of belief in the existence of a strong democratic civil society - one able to resist infringement from an authoritarian state.

In his analysis, Swilling notes difficulties in the relationship between civil society and the state which are there simply as a result of particular political circumstances. His plea to build on past strengths, in terms of independently organized interests, should be taken seriously in order to prevent the very real fear of statism, be it from a different quarter.

It is notable how radically opposed Friedman and Swilling's fears are from Nzimande, who articulates as aspirations and hopes the very things the others seek to resist. On this point of establishing sharp distinctions between the realms of civil society and the state the differences between partakers in the debate become most apparent.

3.2.3 WHAT IS THE RELATIONSHIP BETWEEN CIVICS, CIVIL SOCIETY AND DEMOCRACY?

What is the relationship between civics, "civil society" and democracy? i.e. Do civics form part of civil society and if so, what role do the authors perceive them as playing in the future and with regard to democracy?

The way in which Friedman, Swilling and Nzimande view the relationship between civics, civil society and their future role in a democratic dispensation, is largely determined by their responses to the previous questions regarding 1) the way in which they define civil society, and 2) their understanding of the relationship between civil society and the state. The following paragraphs discuss their respective views, after which the way is open for a critical analysis of all three positions.

3.2.3.1 FRIEDMAN

When it comes to civics and their relationship to civil society, Friedman's conditions for civil society tend to exclude civics from being considered as organizations which make up civil society. If we follow Friedman, what we should strive for are civic associations that must a) wait for a democratic state to provide a regulatory framework b) prove who they represent and c) accept that they are one of many interest groups. According to Friedman, civics cannot be

considered as elements of civil society for they do not meet up to the above as well as other criteria necessary for civil society formations. These include aspects such as autonomy, representativeness, diversity and plurality - each of which deserve brief attention.

In relation to autonomy, by equating civics with the UDF, arguing that "they mobilized in civil society towards a specific end - the wresting of state power", Friedman excludes civics from civil society. In being linked to the liberation movement, the autonomous nature of civics, central to civil society formations is sacrificed. In effect civics according to Friedman's definition, are precluded from forming part of civil society.

Arguing that calls for an independent civil society may be dangerous calls for a part of civil society (the UDF and social movements) to colonise or assert hegemony over the whole, according to Friedman the desire for hegemony is most explicit when it comes to the civics. He substantiates this point by quoting the following: Civics believe that the state's insistence on negotiating local government systems with all interests is a "ploy" to fragment township opinion and "dilute the voice of its main opponent", the civics (Work in Progress, May, 1991).

The above, interpreted by Friedman (1992:89), assumes that civics represent all of township opinion and that an attempt to include all of civil society in the negotiation process is an attempt to fragment it. While Friedman notes that the formation of alliances in civil society is not hegemonic but an essential strategy for any interest group or movement which seeks to assemble a majority behind its position, where diversity of opinion or interest is presented as a "ploy" to divide a presumed will of the township which is not demonstrated, the hegemonic drive is strong. To be independent in this context is seen to be siding with the state against "the people".

The above statement is a return to the claim that a particular movement is the voice of the people or civil society (Friedman 1992:89). Thus Friedman criticizes civic associations that want to become local governments by claiming to represent the entire community. The point is that organizations which make up civil society cannot, as the civics do, claim to represent all interests.

While Friedman argues it would be folly to deny that civic associations are influential, their representativeness is not demonstrated and claims that they

must represent their members interests "in every possible way" comes close to ascribing to particular associations the same properties which populism confers on the "people's state" (Friedman 1991:10). As long as civics or other organizations seek to represent the whole of society - or "the community" - the representativeness they claim will be illusory.

Friedman's condition of a democratically elected state is important in order to counter-balance such claims and special interests, remedying the inherent defects and particularisms of civil society organizations attempting to influence public policy. The claims of civic associations, which are an important part of civil society, need to be scrutinised in an inclusive public forum.

Another feature of civil society is its diversity: it is made up of diverse, competing and conflicting interests. It is therefore, impossible for an organization, such as the Liberation movement, to represent "civil society", a sphere characterised by its rich diversity of views. The realm of civil society is according to Friedman (1992:94) only fully represented when all its different interests and values are independently represented.

Therefore, because of the absence of a democratic state, proven representativeness or political diversity amongst civics, Friedman concludes that these organizations do not qualify as strong civil society formations. They may be considered part of a weak, troubled, unaccountable and unrepresentative civil society, whose existence Friedman does not deny, however they are not part of a "strong" civil society, on which viable hopes for sustaining a democracy in South Africa are pinned.

He also notes that if our only prospect of a strong civil society lies in the civics and a devolution of power to the local, our chances are very slim indeed (1991:15). Swilling as will be seen later, strongly questions Friedman's arguments against civics as part of civil society in relation to the traits of diversity, plurality and representativeness.

Following Friedman's conditions for civil society and his subsequent position on civics, one can deduce the following with regard to the role that civics may play in a future society. Only once there is a democratic framework within which to operate, where, as one of many interest groups competing for support they can prove whom they represent and display the diversity and representativeness required for civil society formations, may civics play an effective role as

organizations of civil society. Then as Friedman suggests they may serve as an effective countervailing force against the abuse of state power, holding it accountable, or play one of the other roles identified for organizations of civil society in the previous chapter.

3.2.3.2 SWILLING

Swilling's position on civics is somewhat different to Friedman's, mainly because of the different way in which he defines "civil society". Swilling considers civics to be strong formations in civil society.

His argument rests on the fact that civics cannot merely be considered as part of the liberation movement, seeing that they emerged before the UDF was formed, in order to articulate grassroots grievances about socioeconomic conditions. In short, the UDF and civic associations were completely different organizational forms and had very different objectives: the civic associations directed their organisational efforts at local community problems; the UDF mobilised on the national level on political matters.

Thus while black civil society may have been dominated by the Liberation movement, it did not necessarily fully identify with it. Although the UDF did try to connect civic associations to a national political project, this does not explain why civic associations emerged in the first place (Swilling 1992:99).

If it is accepted that civic associations are not simply agents of a liberation movement, then it follows that they emerged primarily to address problems for which the state was not taking responsibility. In these terms they emerged precisely because there was no democratic state and to resolve this problem they participated in the struggle for a democratic state (Swilling 1992:98).

Concerning the role of civics in the future, it is only since February 1990 that the ANC has begun to insist that civics should not be party-political organs (aspiring to a role in local government) but rather that civics should be as non-political as sports clubs.[16] If civics are to be local governments this will lead to the decline of

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16 Hani (1991:11) substantiates this point in response to the question: Will there be autonomy for progressive structures outside of the ANC? "It would be totally wrong to co-opt the civic structures so that they become some branch of the ANC. That would narrow the base of the organizations and they would fail in their attempt to unite residents on common problems. It is the view of the ANC

independent non-government formations, however, if civics are defined as non-political and independent, then the chances are high that a dynamic and pluralistic relationship between the local state and civil society could emerge (Swilling 1991:108).

Noting the history of autonomous, community-based and self reliant organisations which have the capacity to organise, get resources, achieve goals, mobilise pressure, negotiate and express policy positions, Swilling (1992:100) believes that civics, as organizations in civil society, can be used as ideal vehicles for non-government directed development. However, in order to be used effectively, a different tactical and strategic approach will have to be used (Swilling 1991:107)[17].

With the changing political circumstances there is room for civics to change their nature from protest and resistance to that of development and reconstruction. It is here, in the field of development, that civics can play a meaningful role, for because of their mass-based nature, able to include people from all political persuasions, as well as people with none, civics have a capacity to get certain things done in a way no-one else can.

Therefore Swilling (1991:109) argues that the organized deeply rooted social movements in civil society that emerged in response to the racial statism of apartheid should not be allowed to wither and die when political society is deracialised and a legitimate state created. If this happens, South Africa could replicate the authoritarian populism that has become so familiar in Africa. The social movements and the interests in civil society they express and support should retain their independence, remain organized and mobilised and should continue to challenge statism if and when it occurs. In this way a sound foundation for the protection of democratic practices will be preserved and hence the chances of creating a democratic order will be greatly enhanced.

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that civic organizations and other anti-Apartheid structures should enjoy autonomy. This applies to trade unions as well. We must be seen to be respecting the autonomy of other organizations and these organizations should not be seen as instruments of the ANC. We should not feel chagrined if they take a position which we do not like."

17 The work of Kagiso Trust is significant in this regard, identifying, supporting and transforming locally accountable, representative community structures into vehicles for development.

3.2.3.4 NZIMANDE

Most important to note in Nzimande's argument is the role of the state in bringing about democracy, understood as the transfer of power to the people. As it is the "organs of people's power" and not the social movements that will ultimately guarantee a democracy, development of "organs of people's power" is seen as the key to securing and strengthening a nationalist and socialist democracy (Nzimande et al 1992:49).

To suggest that the building of democracy is a task for civil society and its organs is, they argue, plain naivete of the nature of political struggle. In fact it is such a conceptualisation that has led to the problematic practice that is beginning to emerge within the national liberation movement that, for instance, issues about services and development in townships are for civics, and that political issues are for political organizations and parties (Nzimande 1992:47).

The danger of the argument that civics should take up community issues, and ANC branches address political issues, they argue, is that it falls squarely within the strategy to separate the ANC from its mass base. While it has been argued that civics are non-sectarian and are therefore able to draw people from different political persuasions, they doubt this.

In their article "Civics as part of the National Democratic Revolution" Nzimande and Sikhosana (1991:39) strongly suggest that since civics are largely dominated by ANC sympathizers, efforts in the future should concentrate on strengthening ANC branches and not the formation of new civic organizations. ANC branches should make it their priority to take up community issues. However if all the issues such as rent, electricity, roads, township administration are defined as the terrain of civics, what does a branch do?

Their justification for the above view is their argument that civics throughout the country are, in most if not all cases ANC-aligned. Since the civics leadership is drawn from the ranks of ANC cadres, this seems an unnecessary over-duplication and unjustified taxing of energies and they conclude therefore that where civics exist the ANC branches should work closely with them. Where there are no civics, efforts should be directed towards strengthening ANC branches and not the formation of new civic organizations (Nzimande et al 1991:39). Therefore the implication of the above is that civics identified as organs of working class civil society will have a future role to play in local government.

The question of which organizations making up civil society will be able to call a future ANC dominated state to account, remains unaddressed. The argument that civics play a role as watchdogs of a democratic society is rejected as "problematic and ridiculous". Nzimande et al argue that such a conception of civics as "watchdogs for democracy" can in practice lead to an abandonment or slowing down in the process of building a strong democratic ANC. Rather the accountability of an ANC dominated state can be ensured in a number of ways in which the process will further strengthen the ANC namely by the building of strong and democratic ANC branches. The point being that ANC structures, which they view the civics as being, cannot act as watchdogs for democracy when the ANC is in power (Nzimande et al 1991:38).[18]

Now that the diverse positions of the three selected authors, regarding their definitions of "civil society", its relationship to the state as well as their arguments concerning civil society and the civics' role in relation to democracy have been put forward, the way is open for an interactive critique of these texts.

3.3 GENERAL CRITIQUE

Within the framework of this thesis a comprehensive response to and critique of every point on which the three authors differ from eack other, as well as in relation to the criteria established in the second chapter, is impossible. However, by isolating various themes, certain major criticisms come to the fore and form the focus of the following section.

This section has two major components. Part One addresses the disagreements and interactive critique arising between Friedman and Swilling. Attention is focused on the conditions which each require for "civil society," and includes a discussion of their differing opinions with regard to civil society and the economy. Swilling's (1992:97) response to what he terms "another conspiracy thesis from Friedman" arguing that a litany of errors, terminological inexactitudes

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18 Whilst agreeing with Nzimande in numerous ways, in advocating a "watchdog" function for the organs of working class civil society, Mayekiso's (Ex-chairman of SANCO) path differs from Nzimande. The justification for a "watchdog" function he believes rests on the belief that if the future government fails to meet the basic needs of the people, it is logical to expect that working class organs of civil society will continue to press for programmes that meet those needs (Mayekiso 1992:33,38).

and conceptual distortions, characterise Friedman's analysis of his work, is considered.

The second part of this section deals with the general criticisms offered by Nzimande et al of "democratic socialism," with specific reference to Swilling - whose position within the Left, is revealed to be not as radical as Friedman assumes.

In concluding the third chapter, Shubane's suggestions of how to move beyond South Africa's past dominated by liberation movements to a future where civil society is nurtured to promote and sustain a democratic dispensation, is discussed.

3.3.1 POINTS OF CRITICISM: FRIEDMAN AND SWILLING

To begin with, the numerous points of criticism between Friedman and Swilling regarding their differing conditions for, and understanding of "civil society" are discussed.

Friedman's main critique of Swilling is that he offers a list of civil society's pillars, which stretch no further than the edges of the congress tradition (Friedman 1991:10). The point Friedman emphasizes, is that Swilling confuses the part i.e. organizations making up the liberation movement, with the whole i.e. civil society. The implication being that behind Swilling's definition of civil society lies an assumption that civics and similar organisations are already representative of civil society - a notion Friedman strongly contests.

This occurs because Swilling interprets the conflict between the liberation movement and the state as one between civil and political society. Hence the implication that the liberation movement is not part of civil society, or active in it, but rather is civil society, arises (Friedman 1992:87). This version of civil society stems partly from the assumption Swilling makes that social movements and civil society are the same thing. In Swilling's texts, the gap between proclaiming social movements as important elements of civil society, and asserting that they are that society is perilously thin.

The above discourse suggests that the entire range of organizations within civil society may be represented by particular organizations (Friedman 1991:10). However, the point has been stressed that it is impossible for one organization to represent civil society which is characterized by its diversity and plurality.

Responding to this criticism, Swilling (1992:103, 1994) accepts that he mistakenly equated social movements with civil society. However, for Friedman to then argue that this is a conscious intellectual justification of a bid to "to seek hegemony over the whole" is seen to be quite unwarranted. Swilling (1992:101) strongly denies Friedman's implied contention that an elaborate and sophisticated conspiracy has been concocted by the "resistance camp" that consists of a completely new language aimed at seducing entire social movements into a suicidal capitulation to the "new rulers" in the name of "their independence".

This alleged conspiracy, which is seen by Friedman as stemming from the more radical internal leadership who want to a) maintain their power base and b) achieve radical transformation by colonising the institutions of civil society (especially the civic associations), is, Swilling (1992:102) explains, in fact nothing more than what in completely different terms could be seen as a strategy to legitimise interest-based leaders seeking to compete with a different set of interests - a process Friedman correctly regards as the essence of pluralism.

Swilling, is also completely opposed to the colonisation of civil society of which Friedman is correctly critical. He points out however, that Friedman effectively denigrates the above legitimate strategy to an assumption that a special intellectual rationale has been concocted to support a new bid for power (Swilling 1992:102). Swilling accuses Friedman of neglecting the importance of current formations within civil society, such as civic associations, that have articulated an important, albeit partial set of interests.

Why Friedman neglects to recognise certain formations and interest groups (such as civic associations) as part of civil society , is because of the previously mentioned conditions he requires to be met before one can talk of the existence of a *strong* civil society, namely: 1) a democratic state, 2) representativeness of groups and 3) diversity and plurality. Therefore because Friedman claims there is no democratic state to provide a regulatory framework to challenge special interests, nor proven representativeness or political diversity of civic associations, they do not qualify nor are recognized as *strong* civil society formations. All three of Friedman's conditions are challenged by Swilling, who offers an alternative interpretation.

The first question Swilling asks is: Why in his understanding of civil society, does Friedman obliterate space for civil society? The answer he believes goes back to

Friedman's idealised, uncritical application of Keane to the South African context. Following Keane, Friedman (1992:95) maintains that civil society cannot be strong, pluralist, or free until the state is that too. However, Swilling argues, if we accept Keane's notion that a democratic state is an indispensable condition for a strong civil society, what happens if in reality the state is not democratic? Does this mean there will be no civil society? Who, then will fight for democracy? All these are important questions, especially in the South African context.

Friedman's views in this regard, claim Swilling, lead to an acceptance of the idea that the state will construct a democratic framework which will be the guardian of civil society's strength and autonomy. This utopian liberal democratic conception of the state would in effect like formations within civil society to surrender their right to be their own guardians. However, should this happen, Swilling (1992:98) believes the single most important force for democratisation in society will be left too vulnerable to wage the struggles over democratic values and procedures that are to come.

I would at this point argue that Swilling is perhaps over-confident of the capacity of civil society formations in South Africa pre-democratic elections to be their own guardians. Civil society in South Africa in this period is not particularly strong, accountable or representative. A democratically elected state may prevent tendencies to particularism and special interests which claim to represent the whole remaining unchallenged.

Secondly, Friedman argues that 1) no single organization can claim to represent civil society 2) the realm of "civil society" is only represented when all its different interests and values are independently represented and 3) "civil society" is only represented and strong enough to resist colonisation when all of these independent organisations are strong enough not only to defend their independence, but to compete for influence.

In the light of the above, Friedman argues that Swilling's pillar of civil society, namely that organizations must represent their members interests "in every possible way", comes close to ascribing to particular associations the same properties which populism confers on the "people's state" (Friedman 1991:10). As long as civics or other organizations seek to represent the whole of society - or "the community" - the representativeness they claim will be illusory. He argues that while it would be folly to deny that civic associations are influential, their

representativeness is not demonstrated. Indeed, only the union movement in South Africa has demonstrated a true representativeness.

Responding to the above criticisms, Swilling (1992:103) agrees with Friedman's point that it is impossible for one organization to represent the whole of "civil society" - a realm correctly characterized by diversity and plurality. He is therefore equally critical of civic associations that claim to represent all township interests. However, Swilling points out that Friedman omits to say for example, that civic movement, represented by CAST (Civic Association of Southern Transvaal) does not see itself or its affiliates as the sole representative of the township people and that civic associations have in fact insisted on wide representation in the negotiating fora (Swilling 1992:103).

As far as the representativeness of civics is concerned, Swilling accuses Friedman of contradicting himself: While he would like civic associations to prove their representativeness, how can they when there is no institutionalised framework, equivalent to the one that applies to unions, within which civic associations can operate? i.e. the rule of law that Friedman correctly argues is needed before representativeness can truly be tested, is absent. Hence, the question which Friedman chooses to ignore remains: What should civics do in this anomalous context? It can be argued that membership lists, however incomplete, are one way of assessing representativeness.

Swilling agrees with Friedman's criticism of civic associations that want to become local governments by claiming to represent the entire community. However, he notes that many civic associations agree to go further than Friedman does, arguing that civic structures should in the future play a "watchdog" role. Unlike Friedman, these civics perceive that the electoral process is not inherently democratic, but rather that elections are governed by rules set by people with certain interests. Instead of masking unequal power relations with the myth of the elected representative, the civic movement wants to ensure that democracy and the electoral process do, in fact, result in what Friedman simplistically assumes will be the case (Swilling 992:103).

Swilling's insistence that elections are inherently undemocratic and his reference to Rousseau's insistence on direct participation[19] with the "myth of the elected representative", need to be examined more closely. What is inherently undemocratic about an election? Is the elected representative purely a myth? These are radical claims which to my mind hold little water. At least the properly elected representative is subject to media scrutiny, and if the election process is democratic, can, according to the logic of democracy, be voted out in the next ballot. Surely there is a greater danger that a non-elected civic association (possibly also consisting of "people with certain interests") can direct issues in a certain direction (Atkinson 1994).

Regarding Friedman's third condition of plurality and diversity, both authors agree that a feature of civil society is its diversity i.e. it is made up of competing and conflicting interests. However, with regard to the civics, Friedman's ignorance of the pluralism within the civic associations' debate leads him, according to Swilling, to another mistaken conspiratorial conclusion about the civic movement - that they could be the colonial agents of the new rulers.

The question Swilling (1992:100) poses in this regard is: How much evidence does Friedman need to convince him that this pluralism is real? Conflicts within the civic movement, such as attempts by some ANC branches to close down the civics, argues Swilling, dispel any notion of the lack of plurality or diversity within the civic movement. These conflicts cannot be explained if we accept the view of some people in the liberation movement that portrayed every organisation that challenged apartheid as part of that movement. Ironically , this is precisely the view that Friedman would like us to accept (Swilling 1992:99).

However, in 1994 Swilling (as well as Friedman) argues that the formation of SANCO, which implemented a unitary constitution whereby previously autonomous local civics became branch level structures of a unitary structure, imposed certain constraints on the plurality of civics acting locally, to represent the particular needs of their grassroots community. "SANCO structures are not like the original civics who were geographically accountable, membership bassed elected locally and accountable to the community. Rather they are accountable to the unitary structure of policy direction from the centre. " Swilling

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19 "The moment a people adopts representatives it is no longer free, it no longer exists" (1968:143).

admits that the accountability to the local constituency has been constrained by the unitary structure. This obviously comprimises the plurality within the civic movement which Swilling argued for earlier.

Upon closer examination of Swilling and Friedman's conditions for civil society, it turns out that their positions are not as far from each other as first assumed. Both seem prepared to take the criticism levelled at one another and agree at least on the diverse plural nature of civil society. Rather, their disagreements rest on their respective interpretation of activity on the grass roots level, such as within the civic associations, and the degree to which they assume these organizations can be effective in playing a future role within civil society, as defined by these respective authors.

In the following paragraphs, important differences in the opinion of these two authors regarding the relationship between civil society and the economy - an increasingly important theme in the South African debate - receives brief attention. The different views highlighted here act as a bridge to the second major body of criticism identified in the debate, namely Nzimande et al's critique of Swilling's "democratic socialism".

In defining civil society independently from the state, Friedman draws no clear distinction in his definition between the economy i.e the realm of capital, and civil society. His is a dichotomous liberal conception which includes business, an organized private interest, as part of civil society. In Friedman's liberal theory, economic relations are seen as private relations in civil society and therefore not in need of any social control via socially accepted rules enforced by the state. Only political life is regarded as being subject to democratic rules and accountability.

The fact that Friedman does not distinguish between civil society and the economy is the following: Unlike Swilling, Friedman does not seem to believe that organizations in the economy are inherently more undemocratic than those in civil society. It is not the case that Friedman would leave private corporations unconstrained. This is precisely where the democratic state Friedman lobbies for in defining civil society is important - to use its resources to empower the disempowered: "Capacities ... can only be equalised by spending on social services and development... The task is to ask which universally applied rules and state decision-making structures structures provide the best means of

ensuring representation by all interests - and which social policies are the best equipped to do this" (Friedman 1991:17-8).

Friedman's conflation of the economy with civil society is problematic to Swilling for the following reason: Given the huge resources at its disposal, to simply state that business is just another member of civil society ignores the fact that it could very well become the new "coloniser" of civil society. If this were to happen then the struggle for a genuine democracy would have failed. The problem Swilling argues with Friedman's liberal position is that it means leaving civil society to the mercy of giant privately-controlled corporations who would like to deploy capital in the global village free of all social controls and constraints. This is not "democratization," but rather the privatization of authoritarianism - that leaves civil society to the vagaries of the market and the power of private share-holders (Swilling 1992:76).

However, as argued above, Friedman is not as such leaving civil society to the vagaries of the market. The market itself can, as argued in a previous chapter, be enabling or coercive. Both Friedman and Swilling acknowledge power relations. Swilling makes the point that if the power relations in civil society favour those who control the existing wealth, knowledge, racial and gender structure of society, we will not create the democratic foundations we need.

Therefore whilst Swilling places his hopes for democracy in the coming to power of certain popular organizations such as civic associations which represent the community, Friedman hopes that a universally elected democratic state will set down fair rules and policies in terms of which organizations will function.

Whilst relatively clear cut and specific points of difference exist between the liberal position of "civil society" which Friedman represents, and Swilling's more socialist conception, an important debate taking place amongst the so-called Left in South Africa serves to focus our attention on differences arising between Swilling and Nzimande. This debate, closely related to the "civil society" debate, centres around the contentious issue of "democratic socialism" - a position represented by Swilling's "associational socialism", and rejected by Nzimande.

3.3.2 POINTS OF CRITICISM: SWILLING AND NZIMANDE ET AL

"Democratic socialism" from a liberal perspective, is perceived as a noble idea, and only that, as it has never and is unlikely ever to be realized. This relates directly to the nature of socialism, which according to Berger (1992:3), has a

profound and structural affinity with dictatorship, not democracy. Accordingly, the project to have socialism with democracy is impossible. Instead in order to have democracy, one must come to terms with the market economy.

Because socialism as perceived by Nzimande and others (Mayekiso) is inherently democratic, no further qualification is required. Therefore the ideas of "democratic socialism" or in Swilling's case "associational socialism" which imply that there has been socialism elsewhere, whose problem was that it was not democratic, are rejected as false and unacceptable by these thinkers following a Marxist line.

The major criticism levelled at "democratic socialism" is the accusation that by the stroke of a pen, "it wipes out the entire Marxist critique of liberal and bourgeois democracy" (Nzimande 1992:43). This statement becomes clearer if one considers three general criticisms which Nzimande's position levels at Swilling's "associational socialism".

Three assumptions of the latter form of "democratic socialism", are critically questioned: Firstly, the uncritical revival of and trust in "civil society" as the solution to establishing democratic regimes, as well as the absence in "democratic socialism" of an analysis of the state's role in bringing about democracy; Secondly, the development of strong independent, non-sectarian social movements as a guarantee for democracy, rather than "organ's of people's power" that will ultimately guarantee, secure and strengthen a national and socialist democracy (Nzimande and Sikhosana 1992:47,49); and thirdly, "democratic socialism's" abandonment of the fundamental concepts of Marxism, such as stripping democracy of its class content and advocating an evolutionary, rather than revolutionary approach.

According to Nzimande (1992:38) Swilling's argument for civil society independent of the state cannot be sustained because it obscures the fundamental role of the state in bringing about democracy. Related to this, the notion of the development of democracy primarily through the building of a vibrant civil society, without taking into account the type of movement or political party that should be the political vanguard of this process, is considered idealistic. Rather, building democracy cannot be abstracted from the conditions under which this task must be tackled which is a political process, whose realisation is ultimately dependent on political leadership of a particular kind (Nzimande and Sikhosana (1992:42,47).

For democratic socialists the state ceases to be an arena of contestation (for control of power), but only requires pressure groups from outside it to act as a check against its supposedly inherently undemocratic and bureaucratic character. Hence, Swilling's arguments are characterised as no different from liberals who want a sphere free from state intervention (Nzimande and Sikhosana 1992:40)[20].

Mayekiso's understanding of "civil society" highlights more points of difference between Swilling's position and that of Nzimande. According to Mayekiso (1992:129), "organs of civil society" can initially include "bourgeois civil society" (business chambers, sports clubs, heritage foundations) as well as "working class civil society" (civics, churches, burial societies). His is a generous definition, lumping together disparate organs representing capital, workers and politics, embracing virtually all that is not the state. In order to avoid a libertarian analysis, Mayekiso rescues the situation by imploding civil society's legitimacy into mere organs of socialist struggle. These serve to continue the class struggle into the post-apartheid era, ultimately to wither away. Thus Mayekiso (1992:34) who is opposed to "democratic socialism" on similar grounds to Nzimande, points out that arguments for "democratic socialism" and a strong working class civil society (which he pleads for) are not the same. The latter is far more radical as it puts material issues first.

Mayekiso (1992:39) stresses that the interests of the working class and bourgeoisie are in complete opposition to each other. While Swilling seems to agree that strengthening the civics must be a priority for socialism, he is not a real socialist, for he has an idea of simple liberal reform, rather than revolutionary change when it comes to the means and forces of production.

Using the example of civics, Swilling's supposed evasion of class categories, pleading for strong and voluntary, associational organizations, is perceived by Mayekiso as "woolly-headed thinking". Whilst civics are democratic and accountable, they are not, for example equivalent to the voluntary resident or ratepayers associations of the Northern suburbs, and so it is understandable that

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20 Swilling (1994) describes himself : "politically I am a socialist...still committed to the empowerment of civil society via socialist forms of organization, but I'm a militant anti-statist,"

Swilling makes himself open to Nzimande's criticism that he uses civil society as a bourgeois concept.

3.3.3 ASSESSMENT

At this point it is felt necessary to make some attempt towards consolidating and assessing the content of the previous pages dealing with the South African debate on civil society. There are several questions which need to be answered and justified, such as: Why was the analysis of these specific texts carried out in the first place? What did it hope to achieve, and has it done this? Where does this bring us in our understanding of "civil society"? What are the gaps as well as gains achieved by this analysis? What questions have the previous pages stimulated and how should these new issues be addressed? What is my critical assessment of as well as personal position within the perspectives framed by the previous pages? How does one proceed from here? In the following paragraphs I shall briefly attempt to respond to the above important questions.

Obviously in deciding to select and discuss certain authors work in detail, one makes a choice to exclude others. However, this is unavoidable and is justified only by the belief that the texts chosen are worth concentrating on. After careful reading and consideration of the numerous contributions of partakers to the South African debate on civil society, it was decided to concentrate initially on these three authors. As mentioned earlier, their work and varied responses to the three questions posed of the texts, are regarded as fairly typical and representative and serve to hone in on the diverse and complex internal dynamics and arguments which characterise the debate.

By focusing on civic associations and their changing role in relation to civil society and the democratic process, the attempt was made to trace the relationship between any such organization which meets the criteria established for civil society organizations in the second chapter, and its role in achieving a democratic end. Similarly, the diverse conceptions of civil society's relationship to the state as sketched by the authors served to confirm their ideological starting points.

It should be clear that having put the positions of the three authors on the table there are obvious differences which need to be highlighted and expanded upon. This in a sense brings us to a conclusion that Swilling and Friedman's positions are not that far apart compared to the conceptual and ideological distance which separates their work from Nzimande et al. Regarding my own critical position in

the debate: As far as I am concerned, the Marxist critique of democratic socialism does not seem to hold much water, especially when considering the recent collapse of this ideology in East European societies. While sharing the concern of both authors that civil society be prevented from being colonised from any quarter, it is more likely that this will be prevented from happening by the establishment of a democratic state committed to the interests of all its citizens, than merely relying on organizations operating in a pre-democratic context to assume a more inclusive guise.

The last section of this third chapter, highlights suggestions to resolve the numerous differences in the debate in a pragmatic way. Shubane's views deserve attention for the following reason: Whilst recognizing that societies like South Africa, dominated by liberation movement type politics, do not encourage the emergence of vibrant civil societies which can contribute towards sustaining democracy, Shubane nevertheless suggest how to achieve this desirable state i.e. in recognizing the validity of the claim that an independent, autonomous and vibrant civil society can play a role in sustaining a democratic dispensation in South Africa, Shubane offers some clear guidelines as to how South Africa can move beyond its past dominated by liberation movement politics and create the conditions for a vibrant civil society. In this way he proceeds furthest in exploring the claim as to how a vibrant independent civil society can promote democracy, the underlying focus of this thesis.

3.4 SHUBANE'S SUGGESTIONS - THE WAY FORWARD

Shubane's assertion is that whilst the liberation movement in South Africa cannot be considered as part of civil society, for reasons which will be discussed, dissolving it within the changed historical circumstances, could give rise to the emergence of a vibrant civil society which will foster a democratic dispensation in South Africa. The implication is that organizations such as civic associations could, if they follow Shubane's guidelines, be reidentified as organisations which form part of civil society.

The concluding section of this chapter therefore aims to put forward some practical guidelines as to how present day organizations in South Africa can be identified as and be nurtured into assuming the role of organizations constituting a vibrant civil society - the hope on which a sustainable democracy in South Africa rests.

In the next few pages it will be argued that organizations forming part of a civil society moulded under repressive circumstances, have a history to deal with which directly undermines calls for an independent, autonomous civil society in a new South Africa. However, if this history is dealt with as Shubane suggests, the hope exists that these organizations can be stimulated into assuming roles in civil society which serve to critically and creatively sustain a democracy in South Africa.

The question posed at the beginning of this chapter "Do liberation movements form part of "civil society"? is seen to be an important current running through the South African debate, and is especially responsible for the differences of opinion between Friedman and Swilling. An important contribution which Shubane makes in this regard, is his discussion of the delicate problem of the relationship between associational life (civil society) and liberation movements.

Shubane (1991:6) notes that societies whose politics are dominated by liberation movements are, for reasons related to the nature of liberation movements, unlikely to develop civil societies. There are several reasons why liberation movements do not form part of civil societv, the most important one being the relationship of such movements to the state. According to Shubane (1992:36) liberation movements are made up of groups which set themselves up as an alternative authority to the existing exclusionary state. They arise fundamentally from the structural limitations imposed by colonial domination and the exclusion of the dominated from the state which leaves the colonially dominated peoples no choice but to gravitate together in liberation movements and oppose their oppression.[21]

As part of the opposition, these organizations seeking to transform the state cannot be said to form part of civil society. By being both excluded from existing government institutions and presenting themselves as an alternative state to the colonial state, liberation movements cannot be said to be civil society formations

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21 Shubane accepts, as Swilling does, that the South African state is essentially colonial in nature. This means three things: 1) The "colonized" or "oppressed" classes are defined as such because they are enfranchised out of political society and are hence excluded from the right to control the state: 2) the interests in civil society that are enfranchised and which can control the state are white: 3) the role of the white state in relation to black civil society is to divide the majority into ethnic minorities as a way of denying the claims of the majority (Swilling 1991:100).

concerned with improving the quality of democracy in their societies (Shubane 1992:36).

This point was made earlier by Chazan (1992:281), who argues that organizations which form part of civil society "do not in any way seek to set themselves up as an alternative state". In relation to the liberation movement's goal to effect an overthrow of the Apartheid state in order to establish their own democratic state, this condition precludes it from civil society. Rather Shubane (1992:35) notes, these organizations are primarily concerned with ridding societies of colonial domination and transforming the state.

The justifiable fear is that once transformed, many of these groups which make up the liberation movement may become the new functionaries of the future transformed state. In this way they would form part of the state rather than of civil society. In this sense these formations are part of the liberation movement.

In addition to the above, according to the definition of "civil society" decided upon in the second chapter, for several reasons groups which make up liberation movements cannot be considered as civil society formations. Organizations making up civil society usually have specialized defined interests, rather than holistic aims - such as those forwarded by the liberation movement to effect the transfer of state power to "the people". Closely related to the former point, the liberation movement's claim to be sole representative of "the People" is shown to be problematic with regard to the inherently diverse and plural nature of civil society.

Whilst understandable that in pursuit of liberation the various interests of the people collapsed into a single overriding endeavour (to get rid of Apartheid) and the notion of liberation movements as authentic representatives of "the people" emerged, this claim is problematic. It continues to deny the existence of a plurality of interests which could claim representation by other organizations or parties other than the liberation movement (Shubane 1991:7). Finally, by reducing all interest into an overriding one, the autonomy, which is an essential characteristic of civil society, is done away with (Shubane 1992:36-37).

Bearing the above in mind, Shubane (1991:6) notes that there are certain elements inherent to liberation movements which militate against the emergence of civil society. The following two elements deserve specific attention: 1) The

undemocratic nature of liberation movements and 2) The adoption of a total strategy (Shubane 1992:37).

Firstly, because of the climate of oppression in which resistance organizations operate, they have no choice but to use intrinsically undemocratic methods such as covert and secretive activities. Where organizations are banned and public meetings forbidden, it follows that open discussion, debates and mandates - some of the essential ingredients of democracy and democratic practice - are not possible.

Thus, even if democracy is the aim of liberation movements, conditions on the ground hardly allow for the building of internal democratic practices within these organizations (Maphai 1993:26). This brings us to a second point concerning liberation movements' adoption of a total strategy which in effect militates against the emergence of civil society.

Du Toit (1991:17) notes that the agents of democratic struggle do not have some independent and privileged point of departure, but are themselves creatures of an authoritarian society. Because of the conditions under which they emerge, in order to survive, organizations of resistance movements in many ways replicate the authoritarian features of the "system" in their own organizations and practices i.e. they develop their own version of a total strategy.

Individuals have to choose whether they are "with us or against us" and organizations such as schools, churches, cultural and social clubs all mobilise against the common enemy. In this context there is little room for independence, let alone neutrality (Maphai 1993:26). In South Africa, the "Apartheid-created-commonality" obscured real differences prevalent amongst "the People" which in a post-struggle era will not remain hidden (Shubane 1992:16).

However, having noted the above inhibiting features of liberation movements, the important and positive contribution which Shubane makes to the local debate, is his proposal that in a post-Apartheid South Africa, the above limitations which militate against the emergence of a civil society can be overcome and a vibrant civil society built. For this to happen Shubane (1992:38) offers the following guidelines: 1) We must move beyond liberation-dominated politics and 2) The structural limitations arising from colonialism must be overcome.

Concerning the latter condition of overcoming structural limitations, Shubane (1992:38) believes that the dissolution of Apartheid, the extension of a franchise to all, as well as extending to everyone the opportunities which up until now have only been available to whites, should lay a sufficient basis for the historical completion of this process.

Secondly, although more difficult, the first factor of moving beyond liberation-dominated politics can also, according to Shubane (1992:38) be overcome. This however will only occur if the liberation movement (leaders and members) itself, accepts that it arose as a result of specific historical circumstances, and that once these change, so too must their role. i.e. once their historical role is filled by the advent of a new political order, the liberation movement-style of politics must be allowed to lapse as well (Shubane 1992:38).

Shubane's belief is that if liberation movement-style politics is allowed by the leaders and its members to lapse, this could give rise to favourable conditions for the formation of a variety of political parties. These would hopefully be formed around the interests of their members, would seek election to government on the basis of these interests, serving to entrench a plurality in civil society, notably absent in the liberation movement (Shubane 1992:38).

With the changed political circumstances, organizations which made up the liberation movement would be able to discard their political role of fighting for the overthrow of the state, and revert back to their initial social role as organization of interests, forming part of civil society. In concentrating specifically on civic associations, Shubane points out the concrete considerations and difficulties to be considered before the above process can be successfully realised.

Firstly, the changes initiated by the abandonment of liberation style politics would, if these organizations wish to identify as organizations of civil society playing a role in promoting democracy, involve a fundamental change of attitude and strategy. The new political situation in South Africa has meant that the entire democratic political movement and sectors of civil society have had to pursue a new strategy by shifting rapidly from protest and confrontational politics to politics of transformation and reconstruction i.e. reverting back to their primary

role as organizations of interests.[22] The impact of this initial transformation stage has been most immediate and visible at the level of civic associations (Botha 1992:57).

Taking an example of the civics as representative of an organization which in the past formed part of the liberation movement, but if in the present changing circumstance constitutes itself "appropriately", can as an organization of civil society play a role in promoting and sustaining democracy, Shubane makes the following points.

While the rationale for civics existence up until now has been the "liberation struggle", civics can and must become something else (Shubane 1992:8). The civic associations can provide the potential building ground for an independent civil society and there is little doubt that the civics can play a significant role in promoting democracy in the future (Shubane 1993:35). They can be as effective in this regard as they were in mobilising communities for boycotts of apartheid structures. However, for civics to become effective in promoting democracy, some changes need to occur both within civics themselves and in their environment (Shubane 1993:35).

Although civics were part of the liberation movement, seen only as weapons of resistance, they have little future role to play if they are to last only as long as Apartheid does. If however in the changed historical circumstances, civics are viewed as formations in civil society, they are obviously able to play a role beyond Apartheid. In this regard Shubane (1992:9) notes that there seems to be a consensus that civics are not playing a role as local governments-in-waiting. Rather they are viewed as groups whose primary focus is to ensure that municipalities remain sensitive to the needs of the community. In playing this role, civics would maintain their independence from local government institutions and political parties. There would thus be a strict separation between civic activity in civil society and a local government function.

There are however certain problems which Swilling, Friedman, Nzimande and Shubane agree need to considered if civics are to seek a future role in civil

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22 Sebonkwe (1993) makes the point that whilst in a new context new values should be forged, certain of the old values which are progressive and good, should not be completely abandoned either.

society. These are problems relating to 1) the organizational capacity and 2) the representativeness of civics.

Firstly, an organizational capacity far more sophisticated than mobilizing an anti-Apartheid protest is required if civics are to play an active role in the community either addressing development needs or as local advocacy groups (Shubane 1992:10). Whilst civics need specialised training and skills they can however draw on existing resources to learn new kinds of skills to help build democracy. One such resource is the popularity and legitimacy they have won through the struggle. If this is used judiciously, then it can contribute immensely in facilitating the building of democracy in future.

Regarding the second question of representativeness, civics should not be seen as homogeneous or monolithic structures if they are to be considered as civil society formations contributing towards the end of democracy. Instead they should be seen as dynamic and diverse structures that operate within an agreed broad framework of principles; but should have the flexibility to develop certain strategies informed by the specific constituency represented by each local civic.

Related to the above, in order to promote democracy civics will have to start by learning how they themselves can become more tolerant. This is a question of how prepared civics are to live with other organizations in the community. Civics cannot simply presume that they have the sole responsibility to organize in the community, for democracy means that civics too must learn to accept the equal right of others to organize and mobilize communities (Shubane 1993:37). Likewise by using their influence to accord to other groups in society the rights which they claim for themselves, civics would also make a major contribution to a democratic culture (Shubane 1993:37). The above seems to imply that the critical factor will be Friedman's emphasis on a democratic state, which can hold the ring and enforce democratic rules.

In conclusion, Shubane (1993:36) warns that if civil society remains dominated by new forms of inequality, formations like the civics may align themselves to the governing party. In this way civics may evolve into extensions of the state, if they perceive that the government delivers while the institutions of civil society do not. However, if civics, as well as other former organizations constituting the liberation movement consider the above points which Shubane suggests, the chance for a vibrant civil society in South Africa would improve tremendously. In

the concluding section which follows, further considerations are made in this regard.

Important to bear in mind, is the imbalance in South African literature on the civil society debate because it is so heavily focused on civic associations. It is however, worth noting that the Friedman-Swilling- Nzimande and Shubane literature does not consider the myriad of other organizations existing in South Africa. Unfortunately within the context of this thesis it is impossible to consider other important formations within civil society. It can't be stated clearly enough that civics are a special case. They are peculiarly powerful, populist and linked to specific political movements. These are not typical characteristics even in the South African case.

3.5 CONCLUSION

If the emergence of a strong, independent, vibrant and autonomous civil society in South Africa, one which has the effect of promoting and sustaining a democratic dispensation, is to be realized, there are several important points to consider.

In this regard, Du Toit's remarks where he highlights the two poles between which South Africans must manoeuvre in order to increase their chances for a civil society which can play a positive role in relation to democracy, are taken seriously.

Du Toit (1991:32) notes that various emergent elements of civil society in South Africa face different strategic temptations which could be fatal to the prospects for democracy. These temptations deserve brief consideration, for in a sense, if followed to their logical conclusion, they sum up the essence of dangers inherent in the opposing streams prevalent in the civil society debate.

He notes the following: On the one hand, for institutions and associations rooted in minority privileges and exclusivity, the temptation of privatised defences against popular control of the state exists. And on the other hand, for "civics" and social movements spawned in the anti-apartheid struggle, there is the temptation of political subservience i.e. a sacrifice of autonomy to a liberation movement concerned with wresting control of the post-apartheid state. Therefore, the prevention of privatised authoritarianism disguised by liberalism, in order for civil

society to survive and play its designated role, is as important as the prevention of an authoritarian populism disguised by nationalism (Swilling 1992:104).

Bearing in mind the above, Du Toit argues that prospects for a viable civil society, one capable of sustaining a democracy, improve considerably if the following two suggestions are taken into account: Firstly, to the extent that formerly privileged and exclusive institutions and associations can demonstrate their commitment to political and social democracy, and secondly, to the extent that formerly anti-apartheid civics and community organizations can differentiate their civil function from those of political parties and forces contesting control of the state.

If one takes, as I do, Shubane's suggestions seriously, the latter point is dealt with. In the sense that former organizations of the liberation movement are reidentifying themselves in the changed political climate as non-political organizations concerned with representing the specific interests of groups in society, the chances for a civil society and democracy increase considerably.

However, because of the current weak and underdeveloped state of civil society in South Africa, the danger exists that fragile emerging community organisations may be swallowed up by powerful hegemonic political parties (Atkinson 1992:25).

Concern is expressed that a transfer of state power to politicians claiming to represent "the people" would not amount to democracy but merely to introduce a new version of tyranny (Du Toit 1991:25). Mass or populist democracy is believed to be at another pole from civil society in so far as it considers one stratum, albeit the majority of the population, as the properly sole beneficiary of policies regarding the distribution of goods, services and honours. Civil society differs from mass democracy in its concern for the interests and ideals of all sections of the population and not just for one (Shils 1991:11).

Boraine (1991) sounds the warning that South Africa must not make the mistake of simply exchanging one elite group for another and one form of nationalism for another. Hence, in order to prevent the very real fear that populist nationalism could replace the authoritarian Apartheid regime, the pluralism and heterogeneity of social organizations making up civil society must continually be stressed. If the old racial authoritarianism is replaced by a new populist authoritarianism, all that will be initiated is a new era of stagnant, unimaginative,

fear-driven uniformity that Swilling (1992:82) warns, will drive us head-long into yet another - albeit more spectacular - African failure.

To the extent that independent institutions of civil society have been established in the course of the transitional process taking place in South Africa, these have provided both some measure of protection against the direct imposition of coercive state power, as well as the staging ground for possible further democratization (Du Toit 1991:51). Both these positive functions of civil society deserve further attention and qualification.

In relation to civil society as a protection against state power, Swilling (1991:97) emphasises that the existence of social movements and their location in civil society is one of the remarkable characteristics of the evolving South African political system. Because these movements are the most powerful bulwark against statism and potentially the creative energy at the core of a democratic development model, it may well be that their continued survival and autonomy is a precondition for the creation of a flexible, multi-faceted, robust and pluralistic post-apartheid democratic order. If they did not exist and/or if they cease to exist, then there would be no counterforce within society to resist statism.

Therefore, in providing a bulwark against state power, the organizations of civil society can be extended to the position where we should aim for a permanent and enduring pluralism and a civil society capable of levying irreverent criticism on whatever pretensions any (new) state may assume. If civic associations, unions and cultural, youth and church groups continue to maintain their vitality and independence under majority rule, they can become bulwarks of democracy in a truly free South Africa.

Secondly, and most importantly, organizations of civil society can be developed as a basis for successful democratization by promoting a democratic culture in which incentives towards socio-political moderation will have become institutionalized (Van Zyl Slabbert 1991:97). In this regard, the awesome role which organizations of civil society have to play in establishing a democratic culture in South Africa, cannot be over-emphasized. The point is made that elections alone do not make a democracy. Rather, democracy will only flourish on a strong and solid foundation of a civil society. It is therefore essential that the principal actors in the political, social and economic and cultural systems play their role effectively in order to develop a new democratic culture.

The final chapter of this thesis: **Towards a "civil" civil society**, sets about to examine the important connection between civility, civil society and a democratic culture - important themes which need to be emphasized in the South African context, characterized as it is by political violence.

Besides looking at theorists whose efforts have concentrated on establishing the connection between civil society and civilty, it is important to consider which of the South African theorists, Friedman, Swilling, Nzimande and others, provide the best causal explanation for the emergence of "civil" qualities, which it is argued are required to sustain democratic life. Whilst Atkinson (1994) would put her money on Friedman "because the democratic state provides elaborate checks and balances to constrain the behaviour of all political actors" the following chapter weighs up other actors before coming to a final conclusion.

CHAPTER 4

TOWARDS A "CIVIL" CIVIL SOCIETY

It is a relatively limited, informed audience which understands "civil society" as a term in political theory signifying the complex set of relations between the individual and the state. Generally, the initial, perhaps ignorant understanding of civil society, assumes an emphasis on the "civil" aspect of the concept. A civil society is understood to be just that - a society that is "civil", civilized, non-violent and all the other characteristics individuals may ascribe to "civility".

Bearing in mind the previous three chapters, the above conception is seen to be a somewhat superficial understanding of a term which clearly has a more complete content. However, this normative emphasis on the concept, can, and has been, put to good use. By emphasizing the connection between civility and civil society, this concluding chapter attempts to clarify the extent to which such an understanding of civil society can be usefully applied to the South African context. In order to integrate the content of the previous chapters, the understanding which the previously discussed authors have of civil society in relation to civility, is critically referred to.

In this concluding chapter it is argued that there are several traits inherent to the notion of civility which, if institutionalized in the state as well as the organizations of civil society can be useful in nurturing the "democratic culture" so vital if South Africa is to successfully realize its goal of democracy.

Noting the distinction Held (1987:13) draws between normative political philosophy (theories which focus on what is desirable, what should or ought to be the case) and descriptive explanatory theories of the social sciences (those that focus on what is the case) - it is recognized that the discussion which follows is a case of the former. A plea is put forward for a normative theory of "civil society", namely for a "civil" civil society.

There is an important sense that the way in which people act, is politically as significant as the actual ends they achieve. This implies that political and social practice matters as much as the specific end states people would like to realise. Transposing this to the South African context if people act in a: tolerant, democratic, "civil" manner, their activities and practice are more likely to bring about a democracy than if they should act in an undemocratic fashion.

According to Walzer (1991:302), the civility that makes democratic politics possible, can only be learned in the associational networks of civil society. However, one can expand this to include organizations in political society like political parties[1] . Since organizations of civil society provide opportunities for participation, it is here that citizens can be schooled in democratic practice which includes a "civil" mode of behaviour. What this would entail, forms the major focus of this concluding chapter.

Diamond (1993:34) thinks it loads too much into the concept of "civil society" to require by definition as Shils (1990:12-13,16) does, that actors in civil society be substantially "civil" in their patterns of behaviour. This would include respecting "others as fellow citizens of equal dignity", treating them with courtesy, and being ready "to moderate particular, individual or parochial interests and to give precedence to the common good". While these particular features of political culture such as mutual tolerance, respect, restraint and public spiritedness may be conducive to democracy, Diamond argues that they should not be seen as synonymous with civil society. The point is that civil society is not necessarily democratic society. Rather Diamond suggests that the term "civic society" (parallel to "civic culture") should be reserved for those instances where civil society substantially satisfies these more particular democratic conditions (Diamond 1993:35).

The main concern in drawing the boundaries of civil society too narrowly, to include only those formations which display a democratic, civil nature is that it may in fact foreclose the debate i.e. beg the question. However, because of the urgency of South Africa's current situation dominated by political violence, where an awareness of civil practice, let alone a tradition of civility is lacking, there is I believe, a need to emphasize the connection between civility and civil society. This connection is stressed in the several texts which this final chapter: Towards a "civil" civil society, sets about to explore.

4.1 THE NATURE OF CIVILITY

The first question which needs to be addressed is: What do we mean by civility? In order to answer this question in a philosophical fashion, the way in which

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1 Whilst the National Party until recently, has not been known for its democratic practices, party members argue that internally the party is structured along democratic lines.

three authors whose work focuses on the connection between civility and civil society, namely Kekes (1984) Shils (1990) and Zwiebach (1975), answer this question is examined. Several tentative conclusions emphasizing the connection between the nature of civility, democratic praxis and the idea of a "civil" civil society are drawn from a close analysis of the above texts.

Following this, and in order to bring the discussion closer to the home debate, the work of two South African theorists, namely Atkinson (1993) and Gouws (1993) is discussed. Their respective focus on rights and political tolerance, substantiates the connection between civil society, civility and the importance of a "civil" civil society for democracy in South Africa. Swilling as well as Friedman's views on this subject are also considered before consolidating a final opinion on this subject.

4.1.1 KEKES

What follows is a summary of Keke's understanding of civility, drawing on his understanding of Aristotle and Hume. Because it is Keke's ideas which really interest us, not referring to the original works of the latter two philosophers in too much detail, is justified.

In his article "Civility and Society" Kekes (1984:429) contrasts a society characterised by civility, with one that is not. The society characterised by civility is filled with an "air of happiness and ease, general friendliness and candour." In contrast, the other society is characterised by *Skloka* - a term which stands for "base, trivial hostility, unconscionable spite breeding petty intrigues, the vicious pitting of one clique against another" and which thrives on "calumny, informing, spying, scheming, slander and igniting the base passions".

In the latter society it is almost impossible for life to be good, for an essential ingredient, namely that of civility, is lacking. This element Kekes (1984:429) describes as "an attitude which is a mixture of spontaneous good will, casual friendliness and a spirit of mutual helpfulness". It assumes no intimacy nor involves any deep feelings but holds between passing acquaintances who have nothing more in common than "the mutual recognition that they belong to the same group".

Kekes notes that whilst civility is generally admitted to be a good thing, it is not considered as being particularly important. However, for him, civility is regarded an essential ingredient of the good life, one which makes it possible to have

more or less harmonious relationships with fellow members of one's society. Thus, civility is the attitude that permits strangers, who are connected only by citizenship, to live together harmoniously.[2] Traits such as hostility, rudeness, violence or abuse may destroy civility.

The philosophical basis on which Keke's understanding of civility rests includes the following aspects, each of which will be dealt with briefly: Aristotle's civic friendship and Hume's ideas of sympathy and custom.

4.1.1.1 ARISTOTLE'S CIVIC FRIENDSHIP

In order to give insight to the concept of "civility", Keke's (1984:433) examines Aristole's notion of civic friendship. Aristotle's notion of friendship is much broader than our understanding of friendship as an intimate personal relationship. Civic friendship is understood as a form of advantage friendship, based on the advantage fellow members of society derive from their associations: "It is for the sake of advantage that the political community too seems to have come together originally and to endure...particular kinds of friendship will correspond to the particular kind of community" (Nicomachean Ethics 1160a11-30).

Kekes concludes that civic friendship and civility share the following characteristics: an attitude of mutual benevolence which fellow citizens have towards each other, understood as wishing well and acting accordingly on appropriate occasions.

The motivation for this attitude of mutual benevolence is understood as a mixture of altruism and self-interest. Altruism is present because citizens are genuinely benevolent i.e. they are habitually and spontaneously helpful. But self-interest also plays a role, in the sense that citizens can expect other citizens to treat them similarly. The fabric of society is permeated by the reliable satisfaction of this expectation with the result that people feel well-disposed toward each other.

There is an air of mutual well-wishing and well-doing. While it is the goodness of society itself which prompts these attitudes, it is these attitudes in turn that

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2 Stadler (1992:30) emphasizes the indivisibility of citizenship and civility in showing that the terms have closely similar roots and have been used interchangeably to refer to the virtues required to participate responsibly in the common affairs of the community.

reinforce society. The attitude of mutual benevolence is thus both a reciprocal and impersonal attitude. It is reciprocal because one expects to be treated with the same benevolence as one treats others and impersonal because the expectation is not directed at any particular individual - it could be whomever one encounters in society.

However, Aristotle's notion of friendship (the mutual liking manifested as reciprocal benevolence) is problematic in that it is stretched to challenge credulity: We are invited to characterize people as friends who do not know each other, who have no lasting relationship, who may in fact be total strangers thrown together in a casual encounter (Kekes 1984:433). Therefore, the attitude of civility Kekes links to Aristotle's notion of civic friendship is incomplete for Aristotle's theory is unable to answer the question: Why do fellow citizens in a good society treat each other with civility?

The Aristotelian answer to the above question is that civic-friendship or civility is based on the recognition that by doing well to others, the fabric of one's society is maintained and thus one of the conditions of a good life for oneself is guaranteed. However, this position attributes far too much calculation and reflection to ordinary people. If one man helps each other he is not thinking of the fabric of society or of his own welfare; if he is thinking at all, it is about how to help the other.

Aristotle's answer is also incomplete in that it fails to tell us what makes people receptive to moral education and predispose themselves toward civility. While civility presupposes moral education, it consists of being told how one should act in particular situations i.e. it teaches us how to behave, but not the justification for behaving that way.

One could argue that Aristotle's society was far more homogeneous and smaller than contemporary societies and people knew each other, however this still fails to explain the above. The point is that even though our societies are too populous for their members to know or have heard about each other, civility exists. The question which remains is: How do people establish their affinity to one another? Hume's notion of empathy (involving sympathy and custom) helps Kekes' argument on the nature of civility to progress.

4.1.1.2 HUME ON SYMPATHY AND CUSTOM

The following two questions which still need to be addressed, justify turning from Aristotle to Hume in order to understand the nature of civility: 1) What predisposes people to civility? and 2) How do people recognize each other as appropriate candidates for sympathy? The answers to these questions can be summed up respectively as Sympathy and Custom. Thus in order to have an adequate understanding of civility Kekes argues it is necessary to combine Aristotle's account of civic friendship with Hume's account of Sympathy and Custom.

Because the Aristotelian notion is seen to be too formal, too intellectualistic, and does not pay adequate attention to the emotive sources of civility or to the significance of the varied, historically conditioned conventions that guide it, Hume's philosophical outlook stressing sympathy and custom, is seen to be a corrective of the Aristotelian emphasis.

According to Hume, the basis of civility - a spontaneous, uncalculating, non-reflective, habitual attitude - is the inborn, involuntary feeling of sympathy, a fellow-feeling people have for one another which enables two people similar in some respects, not too distant in time and space, and affected by each other, to appreciate the feelings the other has.

Sympathy is thus the emotional source of civility. However in order to be effective i.e. based on accurate perception of the object of one's sympathy, it needs direction and correction. If it is to move one to action, its partiality must be overcome, and it must be strengthened against such competitors as superstition, enthusiasm and selfishness. All the above Kekes (1984:443) identifies as the task of reason, which accomplishes this through the inborn principles that guide human judgement and the general principles established by the customs prevailing in one's society. Therefore in effect sympathy is guided by reason which in turn operates in conformity with human nature and custom.

Custom is the name of the conventions that guide particular societies in the various ways they have developed for coping with the human situation. Civility - an indispensable condition of harmonious social life - is the attitude that leads people to conduct themselves and treat others according to custom. Consequently, Kekes concludes, civility is an essential ingredient of whatever one regards as a good life.

4.1.2 SHILS

In his article "The virtue of civil society", Shils (1991:4) includes "a widespread pattern of refined or civil manners" as a defining characteristic of civil society. Civility is understood as a certain attitude and pattern of conduct which includes "courtesy, well-spokeness, moderation, respect for others, self-restraint, gentlemanliness, urbanity, refinement, good manners and politeness."

Particularly relevant to the focus of this chapter, Shils poses the following important question: What does the civility of good manners have to do with the civility of civil society? The conclusion he comes to is that civility is more than just good manners and conciliatory terms. It is a mode of political action which postulates the following: antagonists are also members of the same society.

Civility is thus the sense of good manners towards political opponents as well as allies and implies inclusion of enemies or those with whom one disagrees, in the same moral universe. Hence the civility of civil society includes the civility of good manners as well as concern for the good of one's adversaries as well as allies.

Fundamental to Shils' notion of civility is the important concept of individual dignity. Accordingly, both civility in good manners and civility in civil society postulate a minimal dignity to all citizens. The core of civility is viewed as the mutual recognition of the moral dignity of the opposing party in the course of public conduct (Shils 1991:13).

The realization of human dignity is viewed as an indispensable factor in developing respect for other people's view points, although they may differ from one's own. This respect for difference is considered an essential part of being "civil" and one can conclude that civility as a feature of civil society considers others as fellow citizens and their opinions of equal dignity and worthy of respect.

Civil society is thus understood as a society of civility which regulates the conduct of members of society towards each other as well as towards the state. Civility influences the conduct of individuals and society towards each other in the following way: By attaching individuals to society as a whole it tends to limit the intensity of conflict between diverse interest groups. The logic behind this argument is that attachment to the whole places a limit on the irreconcilability of

different ends being pursued, and in this way reduces the rigidity of attachment to the parts whether it be a social class, ethnic group, or political party.

Civility in Shils terms therefore means regarding other persons (allies and adversaries) as members of the same inclusive collectivity i.e. as members of the same society, even though they may have different opinions and belong to different parties, religious communities or ethnic groups. Civility is therefore the conduct of a person whose individual self-consciousness has been partly superseded by his collective self-consciousness, the society as a whole and the institutions of civil society being the referents of his collective self-consciousness (Shils 1991:14).

4.1.3 ZWIEBACH

In his book **Civility and Disobedience** Zwiebach's understanding of civil society is influenced by Hobbes and Locke's version, where "civil society" is understood as an institution of political association created by a social contract which takes individuals out of a state of nature characterised by violence and barbarism. Immediatly Zwiebach's focus of civil society, and following from this civility, is as an alternative to violence.

Political association, as an appeal to rational standards of a common life in principle and in practice, is identified as the alternative to violence (Zwiebach 1975:213). Therefore, the point of political association makes it possible to create a tradition in which the practices customarily associated with the concept of "civility" replace those associated with the arbitrary and barbarous condition of violence.

Civility is however, more than survival, stability and the existence of "culture",[3] it is also involved with moral life. The outlawing of barbarism and violence involves the understanding, attainment and transmission of moral ideals, the justification of mutual restraint in interpersonal undertakings and the consequent association of human action with moral decision-making and free moral juogement (Zwiebach 1975:68).

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3 "Culture" is defined as an attempt to create civilization, to develop traditions, ideals, standards, modes of transmitting knowledge and interpreting reality - a common effort to outface barbarism, irrationality, brutishness, arbitrariness and violence. It is the opposite of barbarism and is intimately related to the moral life of men.

The following defining characteristics of civility are included: common life and the value of self-expression, reasonableness, intellectual independence, diversity and free thought (1975:70). For Zwiebach, civility contains a vision of society in which social conflicts are resolved through non-violent accommodation, a process inconsistent with the uncompromisable attachment to passionately held ideas where people are seen as enemies to be destroyed, not opponents to be convinced (Zwiebach 1975:3).

Therefore, the conclusion is drawn that civility is only possible in the condition that an alternative to violence can be found - for violence is an attempt to bypass the standards which create civility. Every act of violence poses a threat to civility no matter who does it, for it inflicts basic harm against the principles of equal concern and respect, which are fundamental to civility. In the absence of civility, countries with a pluralistic composition (such as South Africa) can degenerate into civil war, the very opposite of civil society.

4.2 TENTATIVE CONCLUSIONS

From the above three texts, and their understanding of the nature of civility, several tentative conclusions which serve to focus attention on the "civil" aspect of civil society, can be drawn. These are highlighted under the following points, each which will be briefly discussed: 1) Inclusion of "The Other" into the whole (moral universe) 2) Respect for the moral dignity of individuals and 3) Tolerance and resolution of differences in a non-violent way.

The main trait pointed to in the above texts' understanding of the nature of civility, is the recognition that the whole is more important than the parts i.e. the common life is prized above individual interests. As Shils (1991:14) puts it so well, "Civility is the conduct of a person whose individual self-consciousness has been partly superseded by his collective self-consciousness."

This idea is expressed by all three authors in the following ways: Kekes refers to "the mutual recognition that they belong to the same group" with citizens viewing each other as partners in a joint enterprise. For Shils, antagonists are also "members of the same society" and enemies or those with whom one disagrees are to be included in the "same moral universe". Civility means regarding other persons (allies and adversaries) as members of the same inclusive collectivity i.e. as members of the same society, even though they belong to different parties, religious communities or ethnic groups," Finally, according to Zwiebach, civility includes the recognition of sharing a "common life".

The second major point which can be made, is the stress which civility as a characteristic of civil society places on the mutual recognition of the moral dignity of the opposing party in the course of public conduct. This serves to act as an indispensable factor in developing respect for other people's view points, although they may differ significantly from one's own. Respecting differences of opinion is an essential part of being "civil" and civility as a feature of civil society considers others as fellow citizens and their opinions of equal dignity and worthy of respect.

In considering others as fellow citizens worthy of respect, civility emphasizes the notion that those with whom one disagrees are opponents to be convinced through reason and language, rather than enemies to be destroyed by violence. Civility thus contains a vision of society in which social conflicts are resolved through non-violent accommodation, a process inconsistent with the uncompromisable attachment to passionately held ideas where people are seen as enemies to be destroyed, not opponents to be convinced (Zwiebach 1975:3).

However, in the absence of civility, understood as 1) including "The Other" in the whole, 2) respecting the moral dignity of people, and 3) tolerating and accommodating differences of opinion in a non-violent way, countries with a pluralistic composition can degenerate into civil war, the very opposite of civil society. Considering the current climate of violence which dominates South Africa, one could understandably conclude that if a criteria by which to indicate the absence or presence of civil society includes the degree of civility in a society, South Africa does not boast a "civil" society (Gouws:1993).

The problem of political violence in South Africa is a clear example of the need for a strong civil society, whose organizations embody the various traits of "civility" identified above. There is an urgent need for independent, impartial organisations outside of the political arena who are clearly opposed to violence and intolerance from whatever direction it may come, for it is often the individuals associated with these formations who are in a position to mediate, monitor and oppose the violence (Boraine 1993:39).

Therefore, a "culture of civility" which is recognized as the opposite of a "culture of violence" and is closely related to a "democratic culture" must be encouraged. It is believed that the organizations of civil society which allow opportunities for citizens to participate and be exposed to democratic, civil practice, have an awesome responsibility to play in this regard.

4.3 SOUTH AFRICAN CONTRIBUTIONS

Having traced the dynamics of the South African debate on civil society in the previous chapter, it was seen that questions which concern South African theorists in general, do not serve to focus the debate on the "civil" aspect of civil society. Rather, the emphasis of the debate is seen as primarily concerned with questions relating to the nature of civil society's relationship to the state as well as democracy.

However, before drawing any radical conclusions that South African theorists as such, are not concerned with normative considerations in relation to civil society, the important contributions of two female academics in this regard, namely Atkinson and Gouws, who focus on rights and tolerance respectively, deserve attention. Friedman and Swilling's contribution in this regard is briefly touched upon, although it is stressed that their work is not specifically directed towards this theme.

Believing that questions concerning civil society are inherently normative and centre on the moral dimensions of social life, Atkinson's normative perspective on civil society focuses on the question of rights: The defence of civil society is viewed primarily as a question of developing civil, political and social rights (Atkinson 1992:43). Hence, central to the idea of civility, is respect for the rights of people within civil society: Civil society only exists to the extent that citizens enjoy rights in a constitutional framework.

Within the framework of political tolerance, Gouws (1992:1) highlights a similar point: Crucial if society is to function as civil society, is that others are accepted as rights-holders for it is in this acceptance that political tolerance is fostered. She perceives tolerance to lie at the heart of civil society for it is directly related to the willingness to extend civil liberties to one's adversaries i.e. it is the essence of granting opponents certain rights and thus relates to how willing people are to put up with their opponents. Tolerance thus contributes to the civility of civil society.

According to Gouws (1992:22) violence in South Africa between opposing groups of differing political persuasions is violence rooted in intolerance: it is based on a belief that the rights of others do not have to be respected and that in a struggle for hegemony and political power, opposition needs to be obliterated. Allowing opponents certain liberties is seen to be acknowledging that they are legitimate opposition. However, the unwillingness to allow political opponents

the use of their civil liberties overrides exactly those notions which civil society is supposed to encompass: competition and plurality of viewpoints (Gouws 1992:24). The only way we can protect ourselves against social disintegration, barbarism and violence, says Gouws, is by creating a "culture of civility".

Similarly, Atkinson (1992a:2-6) suggests the need to build a general political culture which respects people's rights. The ultimate value of this rights culture is a specific social ethos, a "culture of civility" in which the way in which things get done counts as much as what actually gets done. Practically, Atkinson says this can be effected by a) building horizontal relationships between members of society, encouraging a shared sense of community and citizenship and b) establishing vertical relationships between state and citizens, which in effect amounts to civilizing the state. These two ideas will be dealt with briefly.

In terms of the first suggestion of how to set about inculcating values which support an "ethos of civility", Atkinson suggests the building of a spirit of "community". Community-building in the South African context is recognised as particularly difficult because of the lack of urban unity due to inherited racism, cultural differences and material inequality (Atkinson 1993:50). Several distinct fragmented societies have emerged, and her suggestion is that these civil societies be knitted together into one integrated society. This can be achieved through an awareness of the notion of rights. "We need to find ways in which members of the various communities in South Africa can experience each other as rights-holders." Hence the crucial question becomes how to create institutional practices where people can comprehend their rights and then act on them.

Secondly, as well as building a sense of shared citizenship, Atkinson urges a reconsideration of the nature of the vertical relationship between citizens and the state. This would involve government's attitude to the citizens as well as citizens actively acting as rights-holders to insure no infringement upon their rights. The point is made that to take rights seriously, and to put up with the frustrating practicalities of their exercise, citizens need to be quite clear why a culture of rights be maintained at all (Atkinson 1993:51)

According to Dworkin (1971:198) an "ethos of civility", built around the concept of rights, will contain at least two important values: 1) The vague but powerful idea of human dignity: any treatment of other people which does not recognize them as full members of the human community, is profoundly unjust and 2) The idea of

political equality: the weaker members of a political community are entitled to the same concern and respect from their government as the more powerful.

If both civil society and the state recognise these fundamental values, it means that they will not be opponents, rather they will both participate in generating an ethos of civility for civil society to have any serious meaning at all. Therefore what we need to strive for is a condition of civility which would encompass certain qualities in both the state and civil society and produce certain relations between them. We need to build a general political culture which respects people's rights (Atkinson 1992:2). By opening the state to full popular participation and by creating a free and vibrant communal life Atkinson (992:54) believes a culture of civility in both the sphere of civil society and the sphere of the state can be created. Such an ethos will be produced by meticulous attention to civil, political and social rights, exploration of the notion of citizenship and by developing public spheres where genuine politics can take place - thus addressing vertical and horizontal relationships. Worrying about civil society is not appropriate; if we address our attention to rights and genuine political conduct - both in government and in communal life - then civil society will look after itself. This poition is closely related to Friedman's.

Friedman admits that the conception of a "civil civil society" is in the back of mind, however he can foresee certain theoretical difficulties with such a concept. Surely, he argues, it is encompassed anyway in civil society which being part of the state constrains its actions and poses universal rules and laws of conduct, for organizational life in a democracy has to operate in this way by a set of rules. There are certain choices involved: one can voice one's opposition in civil society or choose other ways. The realm of public life and organization accepts certain rules of conduct (Friedman 1994). Since these rules are decided upon within the framework of universal transparent democratic participation Friedman's conception of civil society is more acceptable to me as a way of harnessing civil democratic practice than Swilling's.

Whilst Swilling thinks a "civil civil society" is a good idea, he doesn't use the term himself but rather refers to a common integrative set of values which certain groupings within civil society (such as NGOs, CBOs and CBDOs) display. What guides them is a value commitment to a particular conception of social relations including democracy, ecology, gender race and so on. There is a farily common and consistent global value system in that sector which takes different forms. But these values are different to say the values of the profit sector components of

civil society, or the other components of civil society which are rather unpalatable like racist reactionary conservative movements or cultural movements (Swilling 1994).

For Swilling there are a multiplicity of interests in civil society, however, there is a particular sector which one wants to support in order to strengthen and democratize civil society. The problem arises in deciding which groupings upholding which values fall into the sector which one sets out to support. Swilling's position has, as has been pointed out before, a potential tendency to fall victim to particular interests which are exclusionary rather than inclusive. In supporting the ideal of a civil civil society, it would seem Friedman's position emphasizing the establishment of an elected democratic state, is the best option.

4.4 CONCLUSION

In arguing for a "civil" civil society, this final chapter wishes to stress the following: that the recent focus on civil society in South Africa, as the hope for promoting and sustaining a democratic dispensation, can in the current climate of political violence, only be enhanced by concentrating on this normative dimension.

This is so because of the close affinity of characteristics embodied in "civility" to those relevant to a democratic culture. Only if the development of a democratic culture of tolerance and civility is nurtured, will it be possible to overcome the culture of violence that continues to jeopardise South Africa's future. With talk of civil war an ever-increasing theme, emphasis on the civil aspect of civil society is justified.

The point has been made that it is the organizations of civil society which can play various roles in relation to democracy. In South Africa it is believed that the concrete terrain where the challenges of building a democratic culture are being played out, can best be found in relation to the changing political practices of popular organizations and social movements, as well as the potential and actual emergence of institutions of civil society distinct from the state (Du Toit 1991:20).

The traits embodied in a democratic culture closely relate to those identified above as defining characteristics of civility. A democratic culture is one in which

differences of opinion are not ruled out, but rather cultivated. It accepts that conflict is inevitable because of differences which are usually linked to group interests. The value of democracy is that it enables citizens to prevent inevitable conflict from becoming destructive, for through rational procedures it creates the space in which difference can be accommodated through a culture of tolerance. Society is nurtured in the consideration and regard for one another in which otherness in not a threat, but an opportunity (Degenaar 1991:6).

There are certain values which are important if a democracy is to be sustained, and are seen to relate closely to those identified with civility. These include a belief in human dignity, autonomy, and respect for persons, an openness to new ideas and new ways of doing things, as well as seeing the opposition as opponents to be convinced through language and not enemies do be destroyed. A community with democratic values thus equally considers the interests of all its members, and gives each member's contribution equal respect, so that its way of life and its policies can be consciously and jointly shaped (Lotter 1990:144,158).

However, whilst one may find agreement in the statement that the traits of civility are closely related to those which characterise a democratic culture, it is in effect individuals, and in this context citizens, who are agents of "civil" society's values. The point is that there are certain traits required of individuals who choose to live in a democracy and who wish to sustain it. Lotter (1991:144) identifies the following traits required of democratic citizens. These include a capacity for political judgement, a willingness to compromise, the ability to tolerate other views, an openness to new ideas, and a willingness to engage in new social arrangements.

In addition, in order to practically bring about a "civil" civil society, a society possessing the institutions of civil society needs a significant component, preferably a majority of ordinary citizens and politicians who exercise the virtue of civility, the nature of which has been discussed above. Added to this, it is important that certain roles and professions in society such as the high judiciary, civil servants, academics, businessmen, journalists, exercise a visible show of civility for this virtue has a radiative and reinforcing effect. In leadership positions they can, through a process of example, influence and educate citizens to conduct themselves in a civil manner.

As guardians of democracy, organizations of civil society will be able to ensure that the values upheld in a new democratic constitution be spread over and

disseminated to a large body of the citizenry. Hence, the pedagogic role which institutions of civil society can play in this regard, exposing a wide variety of citizens with different interests to a democratic mode of action, can serve as a precondition for ensuring a democracy in South Africa.

By being institutionalized in organizations and associations which make up civil society, within the framework of a strong democratic state, it is believed that the values discussed above, will engender a respect for civil and democratic norms, hereby developing an attitude amongst citizens which will do justice to firmly entrenching the democratic dispensation to be decided upon by all South Africans in the near future.

This thesis set out to examine the claims being made by political theorists and activists alike that a strong, vibrant and independent civil society is a vital precondition for creating and sustaining democracy in South Africa. Whilst in a agreement with this claim, a more explicit understanding was sought in order to come to grips with the concept "civil society", its historical conceptual relationship to the state as well as democracy. This end was achieved in the first section where the first and second chapters sought to establish a frame of reference for the discussion to come.

The central part of this thesis concentrated on the specific debate on civil society and its relationship to the state and democracy currently taking place in South Africa. By focusing on the almost uniquely South African phenomena of civic associations and the way in which they have been depicted in the debate (either as part of the liberation movement and hence destined to play a role as adjuncts of a political movement, or characterised as independent organization of interest able to play a role in civil society) key themes as well as difficulties in the contemporary transitional debate were highlighted.

In effect what has been achieved through this political theoretical analysis of civil society and its relationship to the state and democracy, is a deeper understanding of the popular claim that civil society is a vital underpinning for any successful democracy. An awareness of the different ways in which civil society has in the past, and can be understood was brought to the fore, and the obviousness of its content removed.

Hence the importance of this thesis, which does not claim to be more than an exploration aimed at a deeper understanding of the way in which civil society

may have the effect of bringing about the real democracy which South Africans yearn for, is that it is committed to furthering this important debate by participating in it. With our understanding of democracy as institutionalising conflict and diversity within the organizations of civil society, we should avoid foreclosing the debate at any cost, but rather encourage the diverse range of opinions expressed in relation to this topic.

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